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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

IRELAND*

[31 October 1996]

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* The information submitted by Ireland in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.15).

The appendices, figures and tables referred to in the text may be consulted at the Centre for Human Rights.

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List of abbreviations

AONTAS	The National Association of Adult Education
ALCES	The Adult Literacy and Community Education Scheme
CAO/CAS system	Central Applications Office/Central Admissions Service
CERT	The State Training Agency for Hotels, Catering and Tourism
CEVA	Council for Educational and Vocational Awards
DIT	Dublin Institute of Technology
EDPW	European Drug Prevention Week
EEA	Employment Equality Agency
ERO	Employment Regulation Order
ESRI	Economic and Social Research Institute
FÁS	Ireland's main State training agency
ICTU	Irish Congress of Trade Unions
I.R.	Irish Reports
IRIS	The European Network for Vocational Training for Women
JLC	Joint Labour Committees
JLO	Juvenile Liaison Officer
NCCA	National Council for Curriculum and Assessment
NCEA	National Council for Educational Awards
PESP	Government Programme for Social and Economic Progress
REA	Registered Employment Agreements
RTC	Regional Technical College
RTE	Radio Teilifís Éireann - the National Broadcasting Authority
Teagasc	Agriculture and Food Development Authority
U.D.C.	Urban District Council
VPT	Vocational Preparation and Training Programmes
VECs	Vocational Education Committees
VTOS	The Vocational Training Opportunities Scheme

Introduction

1. On 1 October 1973, Ireland signed the International Covenant on Economic, Social and Cultural Rights. The Covenant was subsequently ratified on 8 December 1989 and this report has been prepared pursuant to Ireland's obligation under article 16. This is Ireland's first national report under the Covenant. It was coordinated by the Human Rights Unit in the Political Division of the Department of Foreign Affairs. All government departments which have responsibilities under the Covenant contributed material to this report.

ARTICLE 1

2. Ireland fully subscribes to article 1 which recognizes the right of all peoples to self-determination, to determine their political status, to pursue their economic, social and cultural development, and to dispose freely of their natural resources. The principles enshrined therein are reflected in particular by articles 5, 6 and 10 of the Constitution of Ireland and by the support given by Ireland throughout the United Nations system.

3. Ireland is a sovereign, independent, democratic State and, in accordance with the Constitution of Ireland, the Irish Government accepts the generally recognized principles of international law, observes the Charter of the United Nations, recognizes that all powers of Government derive from the people, and is fully committed to the principles contained in this article.

4. Ireland has no colonies and is not responsible for the administration of any Non-Self-Governing or Trust Territories.

ARTICLE 2

Reservation

5. Ireland has entered a reservation to article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights in the following terms:

> "In the context of government policy to foster, promote and encourage the use of the Irish language by all appropriate means, Ireland reserves the right to require, or give favourable consideration to, a knowledge of the Irish language for certain occupations."

Steps taken to achieve the rights

6. The steps taken to achieve the progressive realization of each of the rights is detailed under the respective articles and will not be outlined here. As has been explained in Ireland's core document, international treaties are not self-executing in Ireland. The approach adopted when accession was decided was to identify those areas in which Irish law and practice did not conform with the Covenant and in which legislation would be necessary, and to identify areas in which, for reasons of policy, reservations were regarded as appropriate. These steps are referred to in paragraphs 29 to 33 of the core document. As part of that process, and again as part of the

process of drafting the present report, it was necessary to ascertain the views of each government department on the implementation of the Covenant, in their respective areas of responsibility. This exercise has, of necessity, drawn the provisions of the Covenant to the attention of those responsible for the formulation and implementation of policy within Government and the administration generally.

General rights of prisoners-training of prison officers

7. The human rights of prisoners are emphasized in the basic training of prison officers. They are taught that deprivation of liberty is one of the most sensitive and far-reaching powers available to public authorities and that it should at all times be subject to the rule of law and exercised with respect for the dignity and basic rights to which everyone is entitled as a human being.

8. The training provided highlights especially the European Convention on Human Rights and the work of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment.

Training the Gardaí

9. Education in relation to human rights is customary for all members of the police force (known as "Garda Síochana"). This education takes the form of:

(a) Lectures on the Irish Constitution relating to the articles on fundamental rights;

(b) Lectures on relevant statute law and statutory instruments, e.g. The Criminal Justice Act, 1984 and The Criminal Justice Act, 1984 (treatment of persons in custody in Garda Síochana stations) Regulations, 1987;

(c) Lectures as part of in-service courses and specialized seminars. In this regard specialized seminars were held in the years 1985, 1986 and 1987 for all ranks after the legislation referred to above came into operation.

10. Education of the Gardaí in relation to the international law of human rights and international humanitarian law forms part of the ongoing instruction on all educational courses for police personnel. These matters touch on values enshrined in the Irish Constitution which is the fundamental basis of law in this jurisdiction and against which all other laws are to be judged. Recent legislation giving additional police powers has been balanced by safeguards and by a right to redress against the members of the Garda Síochana who abuse their authority. In this regard it is worth noting that the extra powers given to the Garda Síochana in the Criminal Justice Act, 1984 were only one part of a three-part package. The treatment of persons in custody in Garda Síochana stations, Regulations, 1987 and the Garda Síochana Complaints Act, 1986 formed the other parts.

Access to health services

11. Any person, regardless of nationality, who is accepted by the health authorities (Health Boards) as being ordinarily resident in Ireland is entitled to either full eligibility or limited eligibility for the full range of public health services depending on his/her means. The Health Boards normally regard persons as "ordinarily resident" in Ireland if they satisfy the Health Board that it is their intention to remain in Ireland for a minimum period of one year. In addition, where a person is deemed not to be "ordinarily resident" the Health Board may provide urgent necessary treatment at a reduced charge or without charge where application of the full economic charge would cause undue hardship.

Discrimination and economic, social and cultural rights

12. Article 2 requires that the rights recognized in the Covenant shall be respected by States parties and ensured to all individuals within their territory "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". Article 40.2 of the Constitution provides that titles of nobility shall not be conferred by the State and neither shall they be accepted by any citizen except with the prior approval of the Government. The Constitution also provides a general guarantee of equality before the law in article 40.1 which reads as follows:

> "All citizens shall, as human persons, be held equal before the law. This shall not be held to mean that the State shall not in its enactments have due regard to differences of capacity, physical and moral, and of social function."

13. It is clear that the making of distinctions by the State based on race, colour, religious, political or other opinion, national or social origin, property, birth or other status which affect citizens in their dignity as human beings would amount to a contravention of this provision of the Constitution of Ireland. In Quinn's Supermarket v. Attorney-General (1972) I.R. 1, the Supreme Court described this provision as a "guarantee of equality as human persons and ... a guarantee related to their dignity as human beings and a guarantee against any inequalities grounded upon an assumption, or indeed a belief, that some individual or individuals or classes of individuals, by reason of their human attributes or their ethnic or racial, social or religious background, are to be treated as the inferior or superior of other individual in the community. This list does not pretend to be complete...".

Cases

14. There have been a considerable number of cases in which the provisions of article 40.1 have been invoked before the Irish courts. In none of these, however, has the alleged inequality before the law been based on race, colour, political or other opinion, national or social origin, or property. It is suggested that the absence of such cases reflects the rarity of the existence

of discrimination on such grounds. It must, of course, be conceded that there is a high degree of racial and ethnic homogeneity in the Irish population so that the opportunities for such discrimination are reduced.

15. There have been three cases in which statutes or schemes which discriminated on grounds of religious belief or status have been struck down by the Irish courts. Here, it should be noted that in addition to article 40.1 the provisions of article 44 expressly outlaw religious discrimination, and in each of the cases article 44 rather than article 40.1 formed the basis for the Court's decision. In Quinn's Supermarket v. Attorney-General, a Ministerial Order, which restricted the opening hours of butchers's shops but did not apply to kosher butchers (butchers selling meat prepared according to Jewish religious laws), was found invalid. Without some special provision, kosher butchers would have been unable to open at weekends after the ending of the Jewish Sabbath, but the Supreme Court held that a complete exemption from the rules concerning opening hours was impermissibly wide and was discriminatory under article 44. They also held that a failure to make appropriate special provision for kosher shops to open late on Saturday would have been discriminatory. The Court, however, did not accept that the inequality which arose in the treatment of businesses differently was one which affected the plaintiffs as human persons and therefore held that article 40.1 did not arise. In Molloy v. Minister for Education (1975) I.R. 88, a distinction in salary rules between lay and religious teachers was held to be contrary to article 44. The possible applicability of article 40.1 was not argued. In M. v. An Bord Uchtala (1975) I.R. 81, a law which required both adoptive parents to be of the same religion as an adopted child was challenged by a married couple who were of different religions. The couple had found themselves unable to adopt a child born to the wife before the marriage by a father who was not the man she subsequently married. The High Court (Pringle J.) found the law to contravene article 44, and he found it unnecessary to rule on the question of whether it also contravened article 40.1. In practice, because of the express provisions of article 44 in relation to religious discrimination, it seems more likely than article 40.1 to be used as a basis for decisions in this area.

Discrimination and language

16. So far as concerns language, the factual position concerning the languages spoken in Ireland is set out in section I.B. of the core document (HRI/CORE/1/Add.15, paras. 4-5). Article 8 of the Constitution provides that the Irish language, as the national language, is the first official language, and that the English language is recognized as a second official language. Provision may be made by law for the exclusive use of either language. Although native speakers of Irish are a small minority of the population as a whole the position of Irish as the first official language and the policy of reviving the Irish language is a safeguard of their rights. The courts have recognized the rights of litigants to conduct their cases through either language (O'Colieain v. D.J. Crotty (1927) 61 ILTR 81, The State (Buchan) v. Coyne (1936) 70 ILTR 185, O'Monachain v. An Taoiseach (Supreme Court, 16 July, 1982). The promotion of the cultural, social and economic welfare of Irish-speaking areas is dealt with separately, below.

People with disabilities

17. The Commission on the Status of People with Disabilities was established in 1993 to advise the Government on the practical measures necessary to ensure that people with a disability can exercise their rights to participate, to the fullest extent of their potential, in economic, social and cultural life. It is also examining the current situation regarding the organization and adequacy of existing services, both public and voluntary, to meet the needs of people with a disability. It will make recommendations setting out necessary changes in legislation, policies, organization, practices and structures to ensure that the needs of people with disabilities are met in a cohesive and comprehensive way. The Commission comprises 60 per cent people with a disability or their parents and carers along with representatives of the State and voluntary sector. It has engaged in extensive public consultations including comprehensive listening meetings with people with disabilities and their parents and carers. Six hundred submissions have been received from interested parties. Working groups have also been established in a wide range of areas which affect the lives of people with disabilities and their recommendations will be given careful consideration by the Commission in the preparation of its report. This report is due to be presented in autumn, 1996.

The Council for the Status of People with Disabilities

18. It is proposed to establish a permanent Council for the Status of People with Disabilities which will act on behalf of the various interests involved in promoting the welfare of people with a disability. An Ad hoc Establishment Group has been appointed by the Minister for Equality and Law Reform to facilitate the development of a constituent base from which a provisional Council could emerge which would act in a caretaker capacity pending the formal establishment of a representative Council. A national election process has been devised and the provisional Council is due to be launched in early 1997.

Discrimination and Travellers

19. Allegations are sometimes made of discrimination against the Travelling Community. The most reliable data in relation to the size of the Travelling Community is contained in the 1994 census of Traveller families which is published by the Department of the Environment. This indicates that there are approximately 4,000 Traveller families in Ireland who are either settled or residing on the roadside. A reliable figure for the total number of individual Travellers is not available. Numbers of Travellers seem to have increased in recent years: The 1983 Department of the Environment survey showed 2,860 families, while the 1994 survey showed approximately 4,000 families.

20. Travellers do not constitute a distinct group from the population as a whole with regard to religion, language or race. However, members of the community are undoubtedly entitled to all the rights under the Covenant, are not to be discriminated against as a group, and it does not appear to be of particular significance whether their rights relate to their alleged status as an ethnic group or to their social origin. Travellers in Ireland have the

same civil and political rights as other citizens under the Constitution. The Government of Ireland pursues a policy to ensure as far as possible respect for their social and economic rights. So far as discrimination against Travellers by private individuals is concerned, the law in relation to incitement to hatred has been applied to cover incitement to hatred against Travellers. The question of whether further protection for Travellers' rights is required is kept under review.

21. There are a number of legal provisions relating to access to services which, while not expressly referring to Travellers, have a particular relevance for them. For instance, the Rules for National Schools provide that no child may be refused admission to a National School on account of the social position of his/her parents, nor may any pupil be kept apart from other pupils on the grounds of social distinction (rule 10). The Hotel Proprietor's Act, 1963, provides a general right of access to hotels, unless there are reasonable grounds for refusal (section 3).

Task Force on the Travelling Community

22. The Minister for Equality and Law Reform established a Task Force on the Travelling Community in July 1993 to advise and report on the needs of Travellers and on government policy generally in relation to the Travelling Community in a range of areas such as accommodation, health, equality, education and training.

23. The Task Force issued an interim report in January 1994 and published its final report on 20 July 1995. The report of the Task Force was the first comprehensive review of the needs of the Travelling Community since the report of the Travelling People Review Body published in 1983. The publication of the report came at a time when the needs of Travellers and their relationship with the settled community was the subject of public debate particularly with regard to the question of accommodation.

24. The report of the Task Force examines, and makes recommendations in relation to three principal areas, namely:

(a) Key issues of relevance to Travellers including accommodation, access to health services, education and training provision and economic development and employment including the coordination of approaches by the relevant statutory agencies whose services impact on members of the Travelling Community;

(b) Relationships between Travellers and settled people;

(c) The experience of Travellers with a particular focus on culture and discrimination.

25. The main elements of the recommendations put forward by the Task Force include:

(a) The need to provide 3,100 units of additional accommodation of different types, including Traveller-specific accommodation, by the year 2000, with supporting administrative and legislative changes;

(b) The introduction of measures to improve the health status of the Travelling Community and to remove the obstacles to Traveller access to the health services;

(c) The reorganization and development of the education and training services in order to provide for increased participation levels by Travellers;

(d) The encouragement and undertaking of new initiatives to support the development of the Traveller economy and increased levels of Traveller participation in the mainstream labour force;

(e) The adoption of measures which address the problem of discrimination faced by the Travelling Community;

(f) The introduction of and/or, where necessary, the improvement of mechanisms in order to ensure that statutory agencies which provide services that impact on Travellers do so in a coordinated manner;

(g) The need to increase participation by Travellers and Traveller organizations in the decision-making process in areas which affect Travellers' lifestyle and environment.

26. The report also examines mechanisms for facilitating improved relationships between the Travelling and settled communities, particularly at local level, and makes recommendations with a view to reducing conflict and strengthening mutual respect and understanding which it is hoped will merge into what the Task Force calls a Strategy for Reconciliation.

27. In March 1996 the Government, having considered the report, announced its approval for the introduction of a strategy which includes:

(a) A five-year National Strategy for Traveller Accommodation to be put in place by the Minister of State at the Department of the Environment;

(b) A commitment to the construction of 3,100 units of accommodation for the Travelling Community;

(c) The introduction of new legislation to provide a framework for the provision of traveller accommodation, including amendment of the housing, planning and local management Acts;

(d) The establishment of a special unit in the Department of the Environment to monitor the National Strategy, as well as a National Traveller Accommodation Consultative Group;

(e) A commitment to strengthen health and education services for Travellers;

(f) The preparation of two bills on employment equality and equal status;

(g) The transfer of responsibility for Senior Traveller Training Centres from the Department of Enterprise and Employment to the Department of Education.

28. What is proposed in the government strategy is an integrated package; without the provision of adequate accommodation improvements in educational and health provision will be more difficult to undertake. Likewise, following on the government strategy, Travellers will be able to participate more fully in economic development both through the growth of the traveller economy and by greater participation in the mainstream labour force.

Education and Travellers

29. The statistics for enrolment and school attendance among Traveller children have improved significantly in recent years. There are 5,000 Traveller children of primary school age or younger in Ireland and it is now estimated that approximately 4,600 of these (92 per cent) attend either pre-school or primary school. However, very few Travellers attend secondary school.

30. The Government is seeking to develop further the educational service for Traveller children at pre-school, primary and second levels to ensure the participation of the children not attending at present and to seek the maximum possible integration of Traveller children into ordinary schools.

31. At pre-school level, 55 schools with an approximate enrolment of 660, located adjacent to halting sites, provide special preparation for the children before enrolment in primary schools. The State provides almost the total costs of these pre-schools which were established by voluntary bodies. The aim is to provide children with basic skills in literacy, numeracy and social behaviour in preparation for primary school.

32. During 1994, a booklet entitled "The Education of Traveller Children in National Schools: Guidelines", outlining strategies for integrating Travellers into the primary school system, was issued to all primary schools. Significant success has already been achieved as approximately 4,000 children of Travellers, some of whom are over 12 years of age, attend mainstream classes. Where full integration is not immediately possible, special classes are provided to enable Traveller children to prepare for such integration.

33. Special measures at primary school level include the provision of extra funding and almost 200 extra teachers to schools enrolling Traveller children and the development of reading materials for use with these children.

34. The objective at second level is to integrate Traveller children into mainstream education. In the interim, the Department of Education is supporting 11 Junior Training Centres which cater for Traveller children in the 12-15 age group. These centres aim to provide a form of second-level education for Traveller children sufficiently relevant and attractive to encourage them to continue attending school.

35. A visiting teacher service for Travellers, consisting at present of 12 visiting teachers, provides special support for children attending

ordinary primary schools by calling at the schools and families, liaising with Health Boards and voluntary agencies and encouraging participation in the education system. It is also intended to appoint visiting teachers at second level. In addition, a National Education Officer for Travellers has responsibility for coordinating the education of Travellers in all areas and at all levels. Further development of the provision for Traveller children, particularly at second level, is planned.

36. Training of Travellers of 15 years of age and over is provided through a network of Traveller training centres managed by locally based management committees and jointly funded by FÁS (the State Training and Employment Authority) and Vocational Education Committees. The goal of the training centres is to help Travellers develop their full potential and to enable them to become self-reliant and self-supporting members of society. Training is provided for 48 weeks during which a training allowance is paid to participants and around 600 attend the centres each year.

Health services and Travellers

37. The same health services are available to the Travelling Community as to the settled population. However, special efforts are made to deliver these services successfully and to ensure that they are tailored to meet the specific needs of Travellers. Factors such as transient lifestyle, large families, high unemployment and generally poor health awareness are taken into account in the planning and delivery of health services to Travellers. Every effort is made to encourage members of the Travelling Community to make maximum use of the services available.

38. The infant mortality rate among the Travelling Community is more than twice the rate in the settled community. In 1987 the infant mortality rate per 1,000 live births was 7.4 for the settled community compared with 18.1 for the Travelling Community. Mortality rates are higher for Travellers than for the settled population. Life expectancy is considerably lower for Travellers than for settled people.

Child care services and Travellers

39. Child care support services for Traveller families are provided by social workers employed by both Health Boards and local housing authorities. Amongst the services provided are pre-school services for young children. Developments under the Child Care Act contain specific measures to address the special needs of the Travelling Community.

40. The Eastern Health Board is involved in a number of services aimed at assisting Travelling children and their families as follows:

(a) The Board, in conjunction with the Department of Education, supports a school and pre-school for 75 Traveller children at Saint Columba's Day Care Centre in Dublin. Children are collected each day and brought to school where meals, health care and other back-up services are available;

(b) The Board supports a resource centre operated by the Dublin Committee for Travelling People which provides, amongst other services, an after-school and youth programme;

(c) The Board also provides financial assistance to the Dublin Committee for Travelling People towards the operating costs of two residential centres for Travelling children. These are located at Derralossary in County Wicklow and Ballyowen Meadows in Clondalkin which is accessible to the large numbers of Travelling families in west County Dublin.

Aftercare

41. An aftercare programme for young members of the Travelling Community leaving residential care has been developed and a special foster care placement programme is being developed by the Eastern Health Board whereby Traveller families will become foster parents for both long-term and short-term placements, thus enabling the children to be cared for within their own communities.

Gender discrimination

42. The question of discrimination based on sex will be dealt with in relation to article 3.

Non-citizens and constitutional rights

43. In common with custom, practice and procedure in all European Union member States and elsewhere, Ireland has a corpus of legislation (both primary and secondary) which sets out the requirements for non-nationals in relation to permission to remain in the State, to register with the Gardaí if intending to remain here in excess of stated periods, etc. Depending on the origin of non-nationals the statutory requirements are different. Those from European Economic Area countries have automatic rights to residence and to work whereas these can only be conferred on others by permission of the Minister. The only grounds of distinction between the treatment (regarding immigration) of nationals of different countries arise because of Ireland's membership of the EU and its related organizations.

44. There are also limitations on the automatic right of non-nationals to enter the workplace. Again, these are generally subject to whether the non-national is a citizen of another EU or EEA State in which case the person has certain automatic rights. Otherwise non-nationals require the permission of the Minister for Enterprise and Employment prior to obtaining employment in the State. The recently enacted Refugee Act 1996 provides that asylum seekers may not enter the employment market. Once a person's application for refugee status is accepted, that person acquires substantial rights and privileges under Irish law, including of course the right to enter the job market.

45. A large body of case law has been developed over the years which has copperfastened the rights of non-nationals in the State. For example, the well-established rights of natural justice and fair procedures are equally applicable to non-nationals and to those who are born in the State.

46. Where the rights of non-citizens in Ireland are concerned, the position is somewhat complex. Case law has established that at least some of the constitutional guarantees to citizens will also be enforced at the suit of non-citizens (Finn v. Attorney-General (1983) I.R. 154). Many of the rights referred to in the Irish Constitution are referred to as rights of the citizen. In particular, this applies to the rights set out in article 40. However, other rights are not so qualified. The family rights referred to in article 41 are expressed to be "inalienable and imprescriptible ... antecedent and superior to all positive law". Rights in relation to education (article 42) are similarly described as "inalienable" and property rights as deriving from the fact "that man, in virtue of his national being, has the natural right, antecedent to positive law, to the private ownership of external goods" (article 43). There is, as can be seen, a strong anti-positivist natural law idea of human rights inherent in the Irish Constitution, and this idea has strongly influenced the development of jurisprudence concerning unspecified "personal rights" (see the core document).

47. A concept of rights deriving from the rational being of man, or which are antecedent to positive law, sits uneasily with the makings of distinctions between persons according to whether they are citizens or not, and in practice the Irish courts have not made such distinctions, nor has it been the practice of the State, in defending actions brought to vindicate human rights, to ask them to make such distinctions.

48. In the State (McFadden) v. Governor of Mountjoy Prison (No.1) (1981) ILRM 113, a case concerned with the rights to fair procedures of a British subject sought by an extradition warrant, the Irish High Court (Barrington J.) said (at p. 117) that "the prosecutor is not an Irish citizen, but Mr. Hill who appears for the respondent has taken no point on this. It appears to me that he was right not to do so. The substantive rights and liabilities of an alien may be different to those of a citizen. The alien, for instance, may not have the right to vote or may be liable to deportation. But when the Constitution prescribes basic fairness of procedures in the administration of the law it does so, not only because citizens have rights, but also because the Courts in the administration of justice are expected to observe certain forms of due process enshrined in the Constitution. Once the courts have seisin of a dispute, it is difficult to see how the standards they should apply in investigating it should, in fairness, be any different in the case of an alien than those applied in the case of a citizen".

Legislation on non-nationals generally

49. The Aliens Act, 1935, contains broad powers to permit the Minister for Justice to make such orders as he/she sees fit regarding the entry of non-nationals into the State, and other matters. (The application of this legislation to EU nationals is restricted.)

50. Section 2 of the Aliens Act, 1935, gives non-nationals the same rights in relation to real and personal property as Irish citizens. There are certain exceptions in relation to ships, aircraft and land. Section 26 of the Irish Nationality and Citizenship Act, 1956, allows the Government to declare

by order that nationals of a particular State shall enjoy, in whole or part, the rights and privileges of citizens where such rights are enjoyed by Irish citizens in that State.

51. There are very few Irish laws that treat non-nationals differently from citizens: what discrimination exists is mainly in the political arena and as regards jury service, ownership of land in Ireland and Irish registered aircraft, and becoming an officer in the Defence Forces. With regard to the rights of non-nationals to choose a residence, as per article 12, the provisions of the Land Act, 1965, (section 45) relating to the purchase of land by non-nationals do not apply to land under five acres and consequently it is submitted that these provisions do not restrict the right of non-nationals to choose a residence.

Non-nationals in the public service: right to work

52. A nationality requirement applies to some posts in the Civil Services, e.g. general administrative grades and posts in the diplomatic service, but not to others, e.g. professional and technical posts. There are no nationality requirements for posts in the local authorities or health service. There are no nationality requirements for teachers at any level, but a knowledge of the Irish language is required for certain posts, e.g. primary schools. For the Defence Forces, officers are required to be Irish citizens while soldiers are required to be "ordinarily resident" in the State. There are no nationality requirements for entry to the Garda Síochana, but a knowledge of the Irish language is required. It would not appear that there are any nationality requirements for any post in State-sponsored bodies.

Legislation

53. The Unfair Dismissals Act, 1977 (section 6) as amended by the Unfair Dismissals (Amendment) Act, 1993, provides that a dismissal of an employee is deemed to be unfair if it results wholly or mainly from the employee's religious or political opinions, race, colour, sexual orientation, pregnancy, age, membership of trade union or participation in trade union activity, or membership of the Travelling Community.

Policies concerning the prevention of discrimination and the promotion of equal opportunities

54. The Office of the Minister for Equality and Law Reform was established in January 1993. The Minister, of full cabinet rank, has responsibility for putting equality into action through institutional, administrative and legal reform. His remit covers discrimination based on religion, race, colour, nationality, national or ethnic origin, or membership of the Travelling Community as well as other grounds.

Forthcoming anti-discrimination legislation

55. Two pieces of anti-discrimination legislation are currently under consideration. The Equal Status Bill will deal with discrimination, whether direct or indirect, on the grounds of gender, marital status, family status, sexual orientation, religion, age, disability, race, colour, nationality,

national or ethnic origin and membership of the Travelling Community. This bill will apply to non-workplace areas including the areas of education, disposal of property and accommodation and supply of goods and services. Services will be defined broadly to include access to public places, banking and insurance services, entertainment, facilities for refreshment and transport. The bill will also include measures to deal with discrimination on these grounds by registered clubs against members or applicants for membership. It will not prohibit differential treatment which is done to promote equal opportunity for a particular group or which takes into account the special needs of a particular group. The bill is expected to be published later this year.

56. The Employment Equality Bill, published on 3 July 1996, deals with discrimination on the aforementioned grounds in the area of employment.

ARTICLE 3

Introduction

57. The formal equality in law of all citizens is set out in article 40.1 of the Constitution of Ireland:

> "All citizens shall, as human persons, be held equal before the law. This shall not be held to mean that the State shall not in its enactments have due regard to differences of capacity, physical and moral, and of social function".

58. Over the past 20 years or so, Ireland has seen an impressive list of legislative achievements and the establishment of administrative structures which have helped to enhance the status of Irish women in many areas.

59. Ireland has a tradition of women as accepted and valued participants in political life. As early as 1919, Ireland's first Republican Government appointed a woman Minister for Labour - Constance Markievicz - and the Republican Movement around that time was supported by Cumann na mBan - a women's political group organized on a national scale. This ambitious start to the early involvement of women in Irish political life was not, however, evenly sustained in later years.

60. The advent of the 1960s saw external forces merge with internal developments in Ireland to create a climate in which a range of disadvantages and discrimination against women were enumerated and articulated along with demands for reform. The feminist movement arrived in Ireland at a time when the population had begun to grow after decades of decline and Ireland had as a result a young age profile by international standards (currently over 50 per cent of the population is under 30 years of age). It was also a time which saw the introduction of free second level education in 1967 along with a major expansion in higher education. In 1970 the Government of the day appointed a Commission on the Status of Women, and its report, published in 1972, provided a checklist against which progress on the position of Irish women could be measured. Most of the recommendations identified in that report have since been implemented.

61. The principle of non-discrimination as propounded by the European Union has also provided an impetus for legislative reform in Ireland. In 1974 the Anti-Discrimination (Pay) Act was enacted and was followed by the Employment Equality Act of 1977 and the Unfair Dismissals Act of the same year. The latter was amended in 1993 and there is proposed legislative change to the former. Ireland is also a party to the Convention on the Elimination of All Forms of Discrimination against Women.

62. Nonetheless, women remain significantly under-represented in public life. At present, of the 8 Judges of the Supreme Court, 1 is a woman. There are 3 female members of the High Court out of a total complement of 19. There are 7 females out of the 46 District Court Judges. Two out of the 15 members of the Government are female. Four out of the 17 Junior Ministers are female. Twenty three out of the 166 members of Dáil Eireann are women. Of the 60 members of the Seanad, 8 are female.

Gender equality in education

The importance of gender equality

63. It is a fundamental aim of the Irish educational system that each person be enabled to achieve her or his potential as a human being. Principles of justice, freedom and democracy demand that no individuals should be handicapped by their sex from self-realization and full participation in the country's social, cultural and economic life.

64. The last two decades have seen the development of a legislative framework, within the European Community, for the achievement of equality between women and men in pay, social security and treatment in the workplace. While progress has been made, much remains to be done. There is a broad consensus that education and training must play a crucial part in the development strategy of the European Community, since economic and demographic pressures mean that there will be a need to attract greater proportions of the population into higher levels of skills and training. Education, therefore, must contribute to the breaking down of stereotypes, the opening up of opportunities, and the growth and self-esteem of all, irrespective of sex.

65. The White Paper on Education, "Charting Our Education Future", identified the promotion of equality as a key objective of the education system. Achievement of this objective permeates all parts of the education system. Furthermore, the Department of Education has taken on board the actions recommended in the Beijing Platform for Action, and is working to ensure that all objectives set out therein, insofar as they relate to the Department, are fulfilled.

Gender equality in the curriculum

66. The principle of gender equality is a fundamental principle of the Irish education system. As such, curricular and other educational programmes are designed to take into account the particular needs of both genders to allow for the full development of each individual. In terms of mean performance across all subjects, girls clearly out-perform the boys in both the Junior and (slightly less so because of the dropout of less able boys) Leaving

Certificate exams*. However, it has been noted that in certain science subjects girl students do not perform as well as boys (particularly in physics) when it comes to achieving high grades, but the differences have become less marked in recent years. Procedures have been established to encourage girls to opt for subjects, such as physics and chemistry, traditionally studied by boys. In addition, the new programme of Civic, Social and Political Education will educate all pupils to participate fully in society. Finally, curricula, textbooks and exam papers are gender-proofed to avoid any inadvertent gender stereotyping.

67. School authorities and teachers, whether in single-sex or coeducational schools, should be aware of the needs of all students and should ensure that both the school ethos and policy, as well as the formal structures of the curriculum and timetable, meet the needs and help fulfil the potential, aspirations and interests of all girls and boys.

68. In this regard, schools are encouraged to examine the structures of what is often called the "hidden curriculum" of the school. Gender stereotypes may be either reinforced or challenged by the way in which teachers interact with students within the classroom; by the way in which different tasks and equipment are allocated to girls and boys in the classroom and around the school and playground; by the content and illustrations of textbooks and other teaching materials; by the organization of the timetable and the choices it permits; by the nature of extra-curricular provision for girls and boys; by the relationship of the staff to each other, and by the extent of visibility of women in positions of decision-making within the school.

69. Policy, at primary and second levels, is that of bringing about schools which are truly coeducational. Such schools create the most favourable climate for achieving the necessary balance in subject provision and subject choice. At primary level in 1991, 174,000 pupils were taught in single-sex classes and 359,000 in mixed classes. The figures at second-level were 153,000 in single-sex schools and 190,000 in mixed schools.

70. It is also desirable that principles of gender equality should underlie the personal counselling and careers advice given to students. Both girls and boys should be encouraged to consider a wide range of career and third-level college options and not be bound by notions that some careers are the exclusive province of one sex. There are gender imbalances in many third-level courses. A further problem, related to differential patterns of career development, is that at postgraduate level, in many areas, women are poorly represented in comparison to men. This is equally important in vocational training. Particular concerns include the very low proportion of girls who receive places on apprenticeship training schemes and, at third level, the low proportion of girls in certain disciplines - for example, engineering and technology. Correspondingly, the low level of male entrants to primary teaching may lead them to think of this as a female occupation (see appendix B, figure 3.1, for gender breakdown in higher-level fields of study).

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* "Co-education and gender equality - exam performance, stress and personal development", report of the Economic and Social Research Institute, 1996.

71. To counter the problem of gender imbalance, gender-sensitive guidance counselling has been the focus of many interventions by the Department of Education. Relevant career pamphlets, posters and policy documents have been developed, disseminated to schools and displayed at exhibitions. In-career development for guidance counsellors has been supported by the Department's In-Career Development Unit.

72. The Girls into Technology/FUTURES project, co-funded by the Department of Education and the European Union, includes a pack of teaching materials which challenges the stereotypes associated with different subjects and which provide role models of women in different professions. A network of teachers, who have been trained in its use, is available to train other teachers.

Women in management in education

73. Girls and young women need appropriate role-models if they are to develop themselves to their full potential. Consequently, there is a great opportunity for the educational system to provide leadership within society. At this time of rapid educational change, the Government will encourage educational authorities and appointment boards to create a climate where suitably qualified women will feel encouraged to apply, with prospects of success equal to that of their male colleagues, for management and other senior positions, in schools, higher education and educational administration.

74. The recent White Paper on Education, "Charting Our Education Future", pronounced gender equality to be a fundamental principle of the education system. The recently published Universities Bill also contains provision for gender balance in the governing authorities of the universities. Gender equality will underpin the new Education Bill also, with provision being made for gender balance on education boards, boards of management and staff selection boards.

Legislation prohibiting discrimination in employment

75. The Anti-Discrimination (Pay) Act, 1974 and the Employment Equality Act, 1977 are directed to eliminating sex inequality in the area of employment. The Anti-Discrimination (Pay) Act, 1974 provides that a woman or man has the right to be paid the same rate of remuneration as an employee of the opposite sex who is employed on like work by the same or an associated employer in the same place. Following the European Court of Justice decision in Murphy and others v. Bord Telecom (case 15/86 [1988] 1CMLR 879) the Anti-Discrimination (Pay) Act, 1974 also applies to a claimant whose work is found to be of higher value than that of the comparator chosen.

76. The Employment Equality Act, 1977 makes it unlawful to discriminate directly or indirectly on grounds of sex or marital status: in recruitment for employment; in conditions of employment (other than remuneration or a term relating to an occupational pension scheme); in training or in work experience, or in opportunities for promotion.

77. While the Act is aimed primarily at eliminating discrimination by employers, it also makes unlawful discrimination in activities which are related to employment, such as discrimination by organizations providing

training courses, as well as placement and guidance services provided by employment agencies. Admission to membership and to benefits provided by trade unions and employer organizations is also covered by the provisions of the Act. In addition, the Act prohibits the display or publication of discriminatory advertisement. (See appendix B, figure 5.1, for a comparison of the number of males and females in employment in the years 1991-1996.)

78. Any breach of the Acts may be referred to equality officers, the Labour Court, or in certain circumstances the civil courts. Details of the procedures involved are contained in the first report by Ireland on measures adopted to give effect to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

Measures designed to improve the position of women in employment

79. As well as prohibiting discrimination, the 1977 Act provides for more favourable treatment in two specific instances:

(a) Where there have been few or no persons of one sex in a particular type of work for the previous 12 months, Section 15 of the Employment Equality Act, 1977 allows for the provision of specific training for the minority sex and for the encouragement and motivation of persons of that sex to take advantage of opportunities for doing such work; and

(b) Under section 16 of the Act, special treatment may lawfully be afforded to women in connection with pregnancy or childbirth.

80. Recognizing that legislation alone is not sufficient to ensure the achievement of equality in employment between women and men, much attention has been focused on positive action. Positive action aims to complement equality legislation and includes any measures contributing to the elimination of inequalities in practice. Positive action initiatives undertaken since Ireland ratified the Convention include the following:

Equal opportunities in the public sector

81. On the premises that the public sector can be a proving ground for concepts of positive action and that it has an obligation to give leadership to the private sector, public sector organizations are encouraged to take equal opportunities initiatives. In line with a commitment in the Programme for Competitiveness and Work, the current national agreement between the Government, employers and trade unions, the Minister for Equality and Law Reform requested all public sector employers who had not introduced equal opportunities programmes to do so by the end of 1994. Progress has been made in this regard across the public service in 1995.

82. The Employment Equality Agency, which was established under the Employment Equality Act, 1977, has among its functions to work towards the elimination of discrimination in employment and to promote equality of opportunity of employment between men and women. The Agency adopts a pro-active role in the encouragement of both employers and trades unions to adapt equality policies by the provision of guidance, advice and published material.

It also provides continuous assistance to Equal Opportunities Networks as a means of support to employers in bringing about change in their organizations.

83. In the spring of 1994 the Employment Equality Agency, in association with the European Commission, undertook a project to promote equal opportunities in employment, involving the participation of both the public and private sectors. The general aim of the project is to develop practical measures as models of best practice for equal opportunities which could be applied to both public and private sector employments.

Equality of opportunity in employment in the health service

84. In excess of 75 per cent of health service staff are women. While the majority of senior posts in both the nursing and paramedic area are held by women, 74 per cent and 60 per cent respectively, only 19.5 per cent of medical consultant posts are held by women. Of senior management posts in the health boards, 11.5 per cent of posts are held by women.

85. Health service personnel policy stipulates that health agencies are to treat the issue of equality of opportunity as a priority and to review their employment practices in order to ensure observance of equality principles. Various positive initiatives already taken in this area include the development of equal opportunities policies by certain agencies, improvements in recruitment practices and the availability of flexible working arrangements, i.e. the job sharing scheme, and the career-break scheme. In addition, health service job advertisements make reference to the particular agency being an equal opportunities employer. The percentage of women in senior management posts in the health boards, i.e. 11.5 per cent, compares favourably with the position in 1990 as documented in the Department of Equality and Law Reform's study, "Report on a Survey of Equal Opportunities in the Public Sector", which noted that no senior management posts in the health boards were held by women.

86. In order to ensure further progress on the basis of a health service-wide approach in this area and with a view to building on and consolidating initiatives already taken by individual agencies, the Department, in conjunction with representatives of the health agencies, is in the process of developing a model equal opportunities policy and action plan. The proposed policy will aim to ensure equal opportunities for all employees irrespective of gender, marital status, family status, disability, religion, sexual orientation, race, colour, ethnic origin including membership of the travelling community, etc.

87. There is a government commitment to achieve a quota of 3 per cent for employment of persons with a disability within the public service. Insofar as the health service is concerned, agencies have been asked to make every effort to secure an appropriate increase in the number of staff with a disability employed consistent with operational and employment restrictions. In addition, agencies have been asked to adopt a code of practice for employment of people with a disability along the lines of that adopted for the civil service which essentially aims to address the particular needs of such staff in the workplace.

88. The most up-to-date figures available show that 1.54 per cent of staff employed in bodies within the health sector have a disability. As already indicated, the proposed equal opportunities policy will cover the issue of employment of the disabled and will provide a framework within which achievement of the 3 per cent quota can be progressed.

Action for equality awards

89. The Minister for Equality and Law Reform (Formerly Labour) and the Employment Equality Agency (EEA) jointly organized the Equality Focus Awards Scheme in 1990 and 1992. The scheme was designed to recognize good employment practices in equal opportunities in employment. Employers in the public and private sectors were eligible to compete in various categories based on size.

90. As a further development of this scheme the Department of Equality and Law Reform, in cooperation with the social partners and other interested bodies, developed the "Action for Equality Awards". The purpose of the Awards is to recognize good equality practices in Irish society. In 1995 Awards were given for achievements in relation to equality in the areas of gender and disability. Awards will be made in 1996 for achievement in promoting equality in two categories - initiatives in the workplace and initiatives in other areas. Individuals, employers, providers of a service, local authorities, schools and voluntary bodies can be nominated. Winners and finalists will feature in a series to be screened by RTE (the National Broadcasting Authority) in autumn 1996.

Seminars and conferences

91. In February 1990 an EC seminar entitled "Women and the Completion of the Internal Market" was organized jointly by the Irish Government and the Commission of the European Community. This seminar examined the likely impact of 1992 on the female labour market and discussed effective action to meet the challenges implicit for women in the 1992 process. In carrying out its function of promoting equality of opportunity in employment between men and women the Employment Equality Agency organizes seminars and issues appropriate publications including a periodic newsletter, Equality News.

92. IRIS, the European Network for Vocational Training for Women, asked member States to host major national seminars on the issue "Vocational Training for Women: New Technologies and Non-Traditional Fields". In September 1991 the Employment Equality Agency and FÁS, Ireland's main state training agency, jointly hosted the Irish IRIS seminar. The seminar focused on strategies to improve the position of women in new technologies, looked at reasons why women are under-represented in new technical and technological employments, and suggested the steps that the Education and Vocational Training Systems, as well as employers, need to take to bring about change.

93. In October 1993 the Employment Equality Agency organized a conference on "Sexual Harassment in the Workplace". The conference was designed to examine how behaviour in the workplace could be advanced and codified to ensure that organizational cultures do not tolerate sexual harassment and provided an opportunity for promoting a greater understanding and knowledge of the

subject. The conference also served as part of the exercise of consultation between the Employment Equality Agency and the social partners in the drafting of an Irish Code of Practice on Measures to Protect the Dignity of Men and Women at Work. In September 1994, following this consultative process, the Minister for Equality and Law Reform published such a code.

ARTICLE 4

94. The Constitution of Ireland does have a provision regarding measures which may be taken should a national emergency exist. Article 28.3.3 of the Constitution provides that:

> "Nothing in this Constitution shall be invoked to invalidate any law enacted by the Oireachtas which is expressed to be for the purpose of securing the public safety and the preservation of the State in time of war or armed rebellion, or to nullify any act done or purporting to be done in time of war or armed rebellion in pursuance of any such law. In this sub-section 'time of war' includes a time when there is taking place an armed conflict in which the State is not a participant but in respect of which each of the Houses of the Oireachtas shall have resolved that, arising out of such armed conflict, a national emergency exists affecting the vital interests of the State and 'time of war or armed rebellion' includes such time after the termination of any war, or of any such armed conflict as aforesaid, or of an armed rebellion, as may elapse until each of the Houses of the Oireachtas shall have resolved that the national emergency occasioned by such war, armed conflict, or armed rebellion has ceased to exist."

95. In 1976 the Emergency Powers Act, 1976 was enacted by the Houses of the Oireachtas in response to the armed conflict in Northern Ireland. A resolution has since been passed declaring that such state of emergency has ceased to exist. There are thus no current measures in existence derogating from constitutional or statutory provisions which have been taken by reason of a national emergency.

ARTICLE 5

96. The provisions of the Constitution and legislation are designed to prevent activities aimed at the destruction of any of the rights and freedoms provided for in the Covenant. The general principle of legal construction and interpretation provides that laws should be construed in conformity with their wording, unless a restrictive or broad interpretation is recommended by the purpose of an enactment or by other accepted considerations governing legal construction. This applies equally to domestic and international law. It is therefore impossible to justify violation of human rights by restrictive interpretation of, or contrary inference from, any provision of the Covenant.

ARTICLE 6

Information on the situation, level and trends of employment, unemployment and underemployment in Ireland

Statistics relating to the workforce

97. See appendix B, figure 6.1.

Freedom of choice of employment

98. Article 6 is concerned with the right to work. As far as the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts is concerned, this right has in recent years been recognized by the courts as one of the unspecified personal rights guaranteed to the citizen by article 40.3.1 of the Constitution.

99. However, there are restrictions in employment in certain sectors. For example, there are certain restrictions on the grant of pilotage exemption certificates under the Pilotage Act, 1913. However, under the Harbours Act, 1996 the new port companies for the major commercial ports are empowered to issue certificates to:

(a) Irish citizens;

(b) Nationals of another member State of the EU; and

(c) Nationals of any State with which the State has reciprocal arrangements for the grant by that State to an Irish citizen of a certificate that, under the law of that State, has the equivalent effect to a pilotage exemption certificate.

100. In addition, there are restrictions on the crewing of Irish Registered Vessels. Only officers with Irish qualifications, or qualifications from States with which Ireland has reciprocal arrangements for the recognition of qualifications, qualify to work on Irish registered vessels (see also paragraph 147).

Technical and vocational training programmes

101. The beginnings of vocational education and training in Ireland may be traced to the introduction of the Technical Instruction Acts of 1891 and 1899, empowering local authorities to initiate programmes of commercial and technical instruction which, in some cases, evolved into forms of local apprenticeships. The Vocational Education Act of 1930 provided for the setting-up of 38 vocational education committees whose remit included the provision of vocational and technical education in their respective areas. Since that time, the vocational education committees have played the major role in the expansion and development of vocational education throughout the country. A further impetus was given to training and its links with industrial development needs with the enactment of the Industrial Training Act in 1967 and the setting up of AnCO and, subsequently, FÁS, as the national industrial training authority.

102. It is generally recognized that the achievement of economic growth and industrial development is dependent, to a significant degree, on the availability of qualified personnel with the necessary technical and vocational skills and competence. The availability of skilled personnel is, in turn, dependent on the efficiency and effectiveness of the vocational education and training system.

Policies in vocational education and training

103. In a changing economic environment of rapid and pervasive scientific and technological developments requiring a great level of flexibility in the labour force, the Government's Green Paper states that it is essential that all young people receive skills. These skills will enable those participating in the education system to adapt to the constantly changing circumstances, which will be an increasingly necessary requirement in tomorrow's world.

104. The recent report of the Irish Industrial Policy Review Group, A Time for Change: Industrial Policy for the 1990s (1992), stressed that, at all educational levels, the contribution of productive enterprise should be an issue of primary importance and that a higher priority must be attached to the acquisition of usable and marketable skills. The report recommended the development of high-quality technical and vocational education.

105. These considerations will form an important element in future developments in the Irish education system. While the changes proposed in secondary education are intended to provide a sound basis of general education for all students, the vocational orientation and provision for technical subjects within programmes at this level will be reinforced and expanded.

106. Provision for vocational education and training outside the senior cycle, which has seen rapid growth over the past five years, is projected to expand further within a cohesive, restructured and reoriented system, described below. The report of the Industrial Policy Review Group will be an important influence on future progress in this field, which will also reflect recent developments in vocational training elsewhere in Europe, particularly drawing on the approach to vocational training in Germany, as described in a recent paper:

> ... the emphasis in the vocational training process is not to give trainees narrowly defined skills. It is more to give a broad occupational training with stress on theoretical understanding as well as practical skills, which will provide the basis for subsequent further training as skill requirements change and become more complex. The idea is to enable skilled workers both to meet current needs and be capable of adapting to the uncertain needs of the future.... There are two implications here: that the theoretical content of training is accorded importance. And that the role of education proper, as opposed to vocational training, is reasserted. Increasingly both implications are being realised in education and training in the northern European countries. (David Soskice; paper presented at a conference on "Skills in a Changing World", published in Arena, January 1992).

107. Based on the above, the following approach to vocational education and training is proposed by the Government:

(a) Training to be broad-based, rather than job specific, and such as to encourage the development of a spirit of enterprise and a flexibility of approach to problem-solving;

(b) Standards of general education to be maintained and enhanced, as an essential basis for the development of higher-level skills and competence;

(c) The overall aim to be that of promoting the achievement of high-skill levels;

(d) The relationship between the education and training systems, and the economy they serve, to be strengthened in order to ensure that the providers of education and training programmes can obtain immediate and clear information on the nature, scope and extent of skills required for economic growth and development.

108. However, it is important to ensure that skills training is not solely related to present levels of demand for trained personnel but would be such as would contribute to enhancing the potential demand for training. In the words of the report of the Industrial Policy Review Group, "the perception of many managers that there is not a skill shortage may itself be part of the skills problem facing Irish industry."

Current provision for vocational education and training

109. The position has now been reached in Ireland where vocational education and training is provided in a variety of forms. Excluding those provided within the third-level sector, the following programmes are available:

(a) Vocational Preparation and Training programmes (VPT), principally post-Leaving Certificate (VTP2), for young people wishing to obtain vocational education and training before entering employment. Almost 50 per cent of the time spent on these programmes is devoted to skill-training related to employment; a further 25 per cent is spent in relevant work-based experience. Some 19,000 young people avail themselves of programmes each year - 13,000 on VPT2 programmes and 6,000 on the VPT1 programme - for young people leaving immediately after completing their compulsory education at the age of 15. This will shortly be raised to 16. (The number of young people on the latter programme will continue to decline, as an increasing percentage of the age-group remain to complete senior cycle.);

(b) Apprenticeship in designated trades, which is regulated by the National Training Authority (FÁS) and for which the off-the-job training is delivered in schools and colleges operated by the vocational education committees and in FÁS training centres. Each year, almost 10,000 apprentices attend day and block-release courses in schools and colleges operated by the vocational education committees. Arrangements for a new apprenticeship system, based on standards reached rather than on time served, have now been agreed for 25 designated trades;

(c) Training courses for first-time job-seekers and the unemployed, related to specific job training provided by the FÁS;

(d) Youth reach programme, providing up to two years of vocational training and work experience for early school leavers involving community training workshops and youth reach centres;

(e) Under the Tourism Operational Programme, full-time and block-release training, at craft and managerial level, is provided by the State Training Agency for Hotels, Catering and Tourism (CERT) and the vocational education committees in VEC colleges and in other education and training institutions;

(f) VPT programmes provided by the vocational education committees under the Vocational Training Opportunities Scheme for long-term unemployed (administered in conjunction with the Department of Social Welfare).

110. In Ireland, the State provides training through FÁS and CERT. The training provided by FÁS is aimed mainly at the unemployed and first-time job seekers; those already in industry and those endeavouring to expand their businesses are catered for to a lesser extent. In the case of CERT, about half of those trained are already employed in the industry with the balance made up of young people interested in a career in the hotel, catering and tourism industry and unemployed people seeking employment.

111. The principal functions of FÁS are to provide:

(a) Training and retraining;

(b) Employment schemes;

(c) Placement and guidance services;

(d) Assistance to community groups and workers' cooperatives towards the creation of jobs;

(e) Assistance to persons seeking employment elsewhere in the European Community;

(f) Consultancy and manpower-related services, on a commercial basis, outside the State.

112. CERT advises Government on manpower and training needs for the tourism industry and coordinates training programmes and structures to meet these needs. Services to Government and the industry include:

(a) Development of Tourism Awareness Programme for second-level schools;

(b) Development of national training systems and facilities;

(c) Ongoing identification of manpower and training needs;

(d) Industry-based training of tourism personnel;

(e) Recruitment and training of new entrants through college-based programmes;

(f) Basic skills training for unemployed adults;

(g) Business development and advisory services to industry.

113. All craft courses run by CERT and the Regional Technical College are validated by the National Tourism Certification Board. The Board is appointed by the Council of CERT and is broadly representative of all interests of tourism training, including the Irish Vocational Educational Association, the National Council for Education Awards, FÁS, Bord Fáilte, SIPTU and industry practitioners.

An Bord Iascaigh Mhara

114. An Bord Iascaigh Mhara (BIM) is the authority responsible for the industrial training and education of new entrants and established fishermen and fish-farmers. Training programmes offered include training for skippers, fishing deckhands, fishing vessel engineers and fish-farmers, as well as providing courses on hygiene, product quality and safety.

Proposed developments in vocational education and training

115. Starting from a more vocationally oriented base within the school system, as previously described, it is proposed to bring the various elements of vocational education and training together into a more cohesive, modularized and graduated system, which would include employer and trade union interests and which would provide the opportunity for all participants to develop their vocational skills progressively. An essential feature of such a system would be a coordinated set of national arrangements for the provision of vocational education and training programmes and for the assessment, certification and accreditation of levels of knowledge, skills and competence attained. Such arrangements will enhance the transfer of students between programmes, the credibility and acceptability of qualifications, and the mobility of personnel in the wider European labour market. To achieve this objective, the Government has made proposals for developing vocational training. These proposals will form the basis for discussion with all the concerned interests.

Development of vocational training

116. Within the broad categories of vocational preparation and training programmes, all vocational training programmes should be reconstituted progressively under an extended training system, modelled on the Dual System operated effectively by countries such as Germany. In the Dual System, practical vocational training is given at work, backed up by theoretical training and general education provided in vocational training schools. The basis for such an extension is already in place through the development work on VPT courses, combining on- and off-the-job training, since the mid-1980s,

particularly for post-Leaving Certificate participants. Some examples of work that has taken place are office information systems and film/video production, desktop publishing, horticulture and food technology.

117. Further development of these types of programmes will take place within the extended training system referred to and existing courses would be adapted to provide the necessary work-based experience elements of such a system. While courses would be designed so that participants achieved usable and marketable skills, they would also provide for the transfer of students with the necessary aptitudes and motivation to the appropriated technical and professional programmes. The pace of change will be dependent on the development of a significant capacity for the provision of training by employers. Courses at lower levels than those of the programmes referred to above would be reorganized as potential stepping stones to higher levels for successful trainees, within the graduated certification system described below.

118. In terms of the trades coming within the apprenticeship system, the education sector will continue to collaborate with the FÁS in the planning, course development and delivery of off-the-job training. It is particularly important that arrangements for collaboration should enable the education agencies concerned to play an effective role in ensuring a sound educational and theoretical underpinning for the training.

119. In addition to those proceeding to vocational education and training on completion of formal schooling, the system will provide flexibly for those seeking second-chance education and training.

120. Furthermore, it is anticipated that the need and demand for continuing vocational training and regrading of skills is also likely to expand significantly. This type of training would be provided in-company by employers, assisted by either education or training institutions, where specialist facilities and expertise were required.

Discrimination in employment

121. The Employment Equality Act, 1977 prohibits discrimination on the basis of sex or marital status in relation to employment, as already outlined in detail in relation to article 3. As indicated in the initial report of Ireland on measures adopted to give effect to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, sections 12 and 17 of the Act as amended by the Employment Equality (European Communities) Regulations (S.I. No.331 of 1985) provide for certain exemptions to the provisions of the Act.

122. The Unfair Dismissals Act, 1977 operates to provide for redress for employees who have been found to be unfairly dismissed by their employers. Most employees come within the scope of the Act which has a qualifying service requirement of one year. One of the remedies under the terms of the Act is that an employee can be reinstated in his job.

123. The Act provides that the dismissal of an employee mainly or wholly because of that person's religion, race, colour or political opinions is deemed to be an unfair dismissal. The Act also protects female employees against dismissal on grounds of pregnancy or matters connected with pregnancy.

124. On 3 July 1996 the Minister for Equality and Law Reform published the Employment Equality Bill, 1996. This legislation prohibits discrimination in employment on the grounds of gender, marital status, family status, sexual orientation, religion, age, disability, race, colour, nationality, national or ethnic origins and membership of the Travelling Community.

125. Female employees' right to return to work after maternity or adoptive leave is protected under the Maternity Protection Act, 1994 and the Adoptive Leave Act, 1995 respectively.

ARTICLE 7

General

126. In Ireland the pay and conditions of employment of the vast majority of workers are determined by the process of free collective bargaining between an employer or employers' association and one or more trade unions. This process can cover the entire range of issues arising from the employment relationship. Thus, collective bargaining and not the law is the primary source of regulation in the employment relationship. Over the years, however, legislation has been enacted in certain areas which lays down minimum standards, which may be improved upon by collective bargaining but cannot be taken away or diminished. These areas include unfair dismissal, redundancy compensation, notice of termination, payment of wages, annual holiday entitlement and employment equality.

127. The role of the State in industrial relations in Ireland is essentially non-interventionist. It has been largely confined to facilitating the collective bargaining process by establishing by legislation a number of agencies to assist in the resolution of disputes between employers and workers. These agencies are the Labour Relations Commission, the Labour Court and the Rights Commissioner Service. Exceptions to the non-interventionist policy are those areas where there is statutory regulation of pay and working conditions through either the Joint Labour Committee system or Registered Employment Agreements. These will be considered later.

128. In addition to the Covenant Ireland has ratified a number of international instruments which contain guarantees in relation to either collective bargaining or minimum wage-fixing. These include ILO Conventions No. 87 - Freedom of Association and Protection of the Right to Organize, No. 98 - Right to Organize and Collective Bargaining, No. 26 - Minimum Wage-Fixing Machinery and No. 99 - Minimum Wage-Fixing Machinery (Agriculture); and the European Social Charter of the Council of Europe.

Principal laws

129. The principal laws relating to remuneration are: the Industrial Relations Acts, 1946, 1969, 1976 and 1990; the Anti-Discrimination (Pay) Act, 1974, and the Payment of Wages Act, 1991.

Wage-fixing methods

130. Collective bargaining may take place at a number of different levels of the economy - company/plant, industry/sector, regional or national level. Centralized pay bargaining has been a major feature of Irish industrial relations in the past 25 years. Between 1945 and 1970 pay bargaining took place in a series of wage rounds, the majority of which were negotiated at industry or company level. In 1970 a system of centrally negotiated National Wages Agreements involving the Government in its capacity as an employer was embarked on and continued in one form or another until 1982. Between 1982 and 1987 negotiations on pay reverted to the enterprise and sectoral level in a number of decentralized pay rounds.

131. In 1987, the Government entered into discussions with the social partners on a national programme to deal mainly with a situation of high levels of unemployment and emigration. These discussions resulted in the adoption towards the end of 1987 of a Programme for National Recovery (PNR), covering pay as well as a broad range of economic and social policy matters for the three-year period 1988 to 1990. The PNR was succeeded by two similar three-year programmes incorporating pay agreements, the Programme for Economic and Social Progress (1991-1993) and the Programme for Competitiveness and Work (1994-1996).

Dispute-settling services

132. In the voluntarist industrial relations system which operates in Ireland, the primary responsibility for the resolution of industrial disputes rests with employers and workers and their trade unions. The vast majority of industrial disputes in Ireland are settled by direct negotiations between the parties. As already mentioned, the State provides conciliation and arbitration machinery, through the Labour Relations Commission, the Labour Court and the Rights Commissioner Service, to assist in resolving disputes where direct negotiations have failed. The Labour Relations Commission (LRC) was set up in 1991 under the Industrial Relations Act, 1990. The Commission, which is made up of equal numbers of employer and trade union representatives and a number of independent representatives including the chairman, has overall responsibility for the promotion of good industrial relations.

133. It provides a range of services designed to help prevent and resolve disputes, including a conciliation service (which was previously provided by the Labour Court), an industrial relations advisory service and the preparation of non-binding codes of practice on aspects of industrial relations. Industrial disputes must first be referred to the LRC except where there is specific provision for referring disputes directly to the Labour Court.

134. Disputes which are not resolved at the Labour Relations Commission may be referred to the Labour Court for investigation. Set up in 1946, the Labour Court is made up of equal numbers of members nominated by employer and worker organizations and an independent chairman and deputy chairmen appointed by the Minister for Enterprise and Employment. Having investigated an industrial dispute the Court issues a recommendation setting out its views on how it might be resolved. The Court's recommendations are not binding except in certain limited circumstances, which accords with the principle of free collective bargaining. Rights Commissioners, who operate as an independent service of the Labour Relations Commission, assist in the resolution of disputes mainly involving individual workers and also adjudicate on rights under a number of statutes.

135. The majority of employees have access to the dispute-settling agencies but many public service employees such as civil servants, teachers and certain Local Authority and Health Board employees are excluded. These employees are catered for instead by conciliation and arbitration schemes, through which their pay and conditions of employment are negotiated.

Minimum wage-fixing

136. Ireland does not have any general minimum wage legislation. Statutory minimum wage rates are only fixed for some categories of workers, chiefly through Joint Labour Committees (JLCs) established by the Labour Court under the Industrial Relations Acts. These Committees operate in areas where collective bargaining is not well established and wages tend to be low. A JLC may be set up where workers and employers agree that it is needed, or where the existing framework for the regulation of pay and working conditions is seen as inadequate. An application for the setting up of a JLC may be made to the Labour Court by the Minister for Enterprise and Employment, a trade union or any organization claiming to represent the workers or employers concerned.

137. A JLC consists of equal numbers of employer and worker representatives appointed by the Labour Court and an independent chairman appointed by the Minister for Enterprise and Employment. The function of a JLC is to draw up proposals for an Employment Regulation Order (ERO), which lays down legally binding minimum rates of pay and conditions of employment for the workers covered. The JLC submits its proposals to the Labour Court which makes the Order. Once in force an ERO overrides any inferior terms in the contract of the workers covered by it but does not preclude improved terms being secured through collective bargaining. Employment Regulation Orders are enforced by the Labour Inspectorate, who have power to enter premises, inspect records, collect arrears of wages and, if necessary, institute legal proceedings against an employer who is in breach of an ERO. The minimum wage rates in EROs are adjusted periodically - usually annually - in line with the general trend in wages. Currently there are 16 Joint Labour Committees covering, for example, workers in agriculture, retail grocery, clothing manufacture, hotels and restaurants, hairdressing, contract cleaning and law firms. In all, about 9 per cent of employees are covered.

138. Statutory regulation of wages and/or other conditions of employment is also effected through the Registered Employment Agreement (REA) mechanism. While the terms of collective agreements in Ireland are normally not legally

binding, a facility is available under the Industrial Relations Acts to register an agreement with the Labour Court and thereby give it legal effect. An REA may be confined to a single company or may apply to a whole sector. In the latter case, the effect of registration is to make the agreement binding on all employers and employees in the categories covered by it even if they were not involved in its negotiation. Before registering such an agreement the Court must be satisfied that the applicants are representative of the workers and employers in that sector, that the agreement is necessary and that it will not restrict employment unduly.

139. Registered Employment Agreements differ from Joint Labour Committees in that the parties to an REA must have reached agreement on its content before an application for registration is made to the Labour Court and, unlike JLCs, they are not necessarily confined to sectors where wages are low. REAs can be enforced either through the Labour Court or by the Labour Inspectorate who have powers similar to those for Employment Regulation Orders. At present there are five active sector-wide REAs covering such activities as building and construction, printing and the electrical contracting industry.

Protection against discrimination

Equal Pay

140. As indicated in relation to article 3, the Anti-Discrimination (Pay) Act, 1974 prohibits discrimination by an employer on the basis of sex, in respect of like work. The Act does not, however, prohibit payment of different rates of pay on grounds other than sex.

141. An employee in dispute with an employer arising from a claim to equal pay may refer her/his case to an Equality Officer of the Labour Relations Commission for investigation. Recommendations by Equality Officers may be appealed to the Labour Court or, on a point of law, to the High Court. Details of the number of cases referred to Equality Officers and the Labour Court under the Act are set out in appendix B (figure 7.1).

142. When equal pay legislation came into force in 1975 the female hourly rate of pay in manufacturing industry was 61 per cent of the male hourly rate. The current position in the manufacturing industry shows female hourly rates at approximately 73 per cent of male rates. The difference in earnings result from a wide range of factors including different patterns of male and female employment. However, this industry comprises less than one third of all employees and less than 20 per cent of all female employees and may not reflect an accurate picture of the economy-wide wage gap. In February 1994 the Economic and Social Research Institute published a study on male/female wage differentials which was jointly commissioned by the Department of Equality and Law Reform and the Employment Equality Agency. This study found that when all sectors of employment were taken into account women's hourly earnings were approximately 80 per cent of men's.

Conditions of equal employment

143. With regard to employment conditions, remuneration is defined in the 1974 Act as including any consideration, whether in cash or in kind, which an employee receives directly or indirectly from the employer.

144. This means that women and men employed on like work must be paid not only the same rates of basic pay, but also the same overtime rates, bonuses, holiday and sick pay, etc. Discrimination prohibited under the 1977 Act includes discrimination in relation to conditions of employment (other than remuneration or a term relating to an occupational pension scheme).

Legal, administrative and other provisions that prescribe minimum conditions of occupational health and safety

145. The Safety, Health and Welfare at Work Act, 1989 and related legislation provide the basis for the regulatory regime in respect of occupational safety and health in Ireland. The Act itself lays down a framework of general duties for employers and employees in relation to occupational safety and health. The general duties set out in the Act are further defined and amplified by a range of secondary legislative instruments the most significant of which is the Safety, Health and Welfare at Work (General Application) Regulations, 1993 (S.I. No. 44 of 1993) which implements the EU Framework Directive 89/391/EEC together with the first five individual directives made under that Framework. Ireland continues to update and refine its occupational safety regime particularly with regard to developments at EU level. 1995 saw a major rationalization of the provisions with the making of the Safety, Health and Welfare (Repeals and Revocations) Order, (S.I. 357 of 1995) which addressed the problems of duplication and obsolescence of older instruments following the changes resulting from the 1989 Act.

146. Statutory responsibility for the promotion, monitoring and enforcement of compliance with the legislation rests with the National Authority for Occupational Safety and Health established under the Act. The Authority has powers of inspection and enforcement and is authorized to approve codes of practice and issue guidance material to assist employers in complying with the Act. The Authority operates a rolling three-year work programme which incorporates routine inspection of workplaces, particularly in high-risk sectors such as agriculture and construction, and a wide range of promotion and information programmes. The Authority is a non-commercial semi-State body under the aegis of the Minister for Enterprise and Employment.

147. The Authority has to date and continues to take particular account of the needs of new and problem areas in formulating its work programmes. A series of advisory committees has addressed the needs of agriculture, small businesses, construction and other industries which experience particular difficulties in meeting safety obligations.

148. There are no exclusions to the statutory regime described above. All workers and all places of work are covered by Irish occupational safety and health law.

Statistical and other information on how the number, nature and frequency of occupational accidents (particularly with fatal results) and diseases have developed over time

149. The 1989 Act extended the scope of health and safety legislation to cover all classes of employment (including the self-employed). Prior to the coming into force of the 1989 Act only 20 per cent of the Irish workforce was covered by existing legislative provisions. This makes valid comparison of current statistics with those for the years prior to 1989 extremely difficult. (See appendix B, figure 7.2 and figure 7.3). The former shows accident statistics for the years 1991 and 1995 as reported to the National Authority. Revised reporting arrangements in respect of the notification of dangerous occurrences and accidents involving the absence of a worker from work for more than thee days were introduced by the Safety, Health and Welfare at Work (General Application) Regulations, 1993. However, comparison with other statistical sources suggests that under-reporting of accidents continues at a significant level.

Realization of the principle of equal opportunity for promotion

150. As noted in relation to article 3 the Employment Equality Act 1977 prohibits discrimination on the basis of sex or marital status in relation to opportunities for promotion.

Laws and practices regarding rest, leisure, reasonable limitations or working hours, periodic holidays with pay and remuneration for public holidays

151. There are a number of laws in place dealing with conditions of work. The Conditions of Employment Act 1936 governs the conditions of workers on day work and shift work in industry. The Act provides for rest intervals during work periods and it sets limits on the number of hours of work on a daily and weekly basis. The Shops (Conditions of Employment) Act 1938 regulated the working conditions of those employed in the retail and wholesale sectors.

152. A minimum of three weeks' paid annual holidays and eight public holidays are provided to most employees under the terms of the Holiday (Employees) Act 1973. Regular part-time employees are entitled to the benefits of the Act of 1973, on a pro rata basis, by virtue of the Worker Protection (Regular Part-time Employees) Act 1991.

153. Paragraph (d) concerns holidays and limitations of working hours. These matters are well covered by existing Irish legislation and remuneration for public holidays is provided for in Irish law (see Conditions of Employment Acts and the Holidays (Employees Acts). Sex discrimination in respect of such matters is unlawful under section 3 (1) of the Employment Equality Act, 1977, but there is no legislation which would cover other forms of discrimination in this area.

154. The conditions under which young persons work are governed by the Protection of Young Persons (Employment) Act, 1977. The Act sets limits on the hours of work and it places restrictions on night work.

155. The majority of workers have their conditions of work set in agreements negotiated between trade unions and employers. In recent years the Government, through negotiations with its social partners (trade unions, employer bodies and farming organisations), has set pay levels and other condition in relation to work.

ARTICLE 8

International instruments to which Ireland is a party and general legal framework

156. In addition to the International Covenant on Economic, Social and Cultural Rights, Ireland has ratified a number of international instruments, in which the freedom of association is guaranteed and which it is, therefore, bound to uphold under international law. These include the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; ILO Conventions No. 87 - Freedom of Association and Collective Bargaining and No. 98 - Right to Organize and Collective Bargaining; the European Convention for the Protection of Human Rights and Fundamental Freedoms; and the European Social Charter.

Principal laws

157. The law relating to trade unions in Ireland falls into two distinct phases: (a) statutes enacted mainly between 1871 and 1906 in order to secure trade union freedom and remove trade unions and their activities from the operation of the law, and (b) statutes enacted since 1940 which sought to introduce a measure of public regulation of trade unions. The Constitution of Ireland, which came into force in 1937, has had an important impact on industrial relations law and practice. A significant body of case law has developed in relation to the freedom of association guarantee in the Constitution, as it applies to the activities of trade unions.

158. The principal statutes governing the activities of trade unions in Ireland are: the Trade Union Act, 1871; the Conspiracy and Protection of Property Act, 1875; the Trade Union Acts, 1941, 1971 and 1975; and the Industrial Relations Act, 1990. Trade unions in Ireland derive their legal status largely from the Trade Union Act, 1871. The Act provided a measure of protection for bona fide union activities and thereby removed the taint of illegality from trade unions. Section 2 of that Act provides that:

> "The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful, so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise".

The Industrial Relations Act, 1990

159. The enactment of the Industrial Relations Act, 1990 represents the most significant development in trade dispute law in Ireland since the 1906 Act. The broad purpose of the Act is to improve the framework for the conduct of industrial relations and the resolution of disputes with the objective of maintaining a structured industrial relations climate. The Act covers both

trade union and industrial relations law. The system of immunities provided by the 1906 Act has been maintained by the 1990 Act with a number of amendments. The main changes made by the Act in the area of trade dispute law are:

(a) The general immunity enjoyed by trade unions in respect of tortious acts has been limited to acts done in contemplation or furtherance of a trade dispute;

(b) The immunities enjoyed by individuals have been re-enacted with an amendment to remove an anomaly whereby organizing a strike was protected but threatening to organize or take part in a strike appeared not to be;

(c) In the case of disputes involving just one worker the immunities now only apply where agreed procedures for the resolution of individual grievances, if they exist, have been resorted to and exhausted;

(d) The definition of a trade dispute has been amended to exclude "worker versus worker" disputes from the protection of the immunities;

(e) Trade unions are required to have a rule in their rule books providing for the holding of secret ballots before engaging in or supporting a strike or other industrial action. The immunities no longer apply in the case of industrial action taken where the outcome of a secret ballot is against such action;

(f) The immunities in respect of peaceful picketing have been re-enacted but the circumstances in which peaceful picketing can lawfully take place have been amended. In particular, the immunities are now confined to picketing at the employer's place of business, or where that is not practicable at the approaches to that place. The Act also provides that secondary picketing (i.e. picketing of an employer other than the employer directly involved in the dispute) is lawful only in situations where workers have a reasonable belief that the second employer has acted in a way calculated to frustrate a strike or other industrial action by directly assisting their employer;

(g) In trade dispute situations where a secret ballot has been held and notice of a strike or other industrial action given, the granting of injunctions, particularly exparte injunctions, to employers is restricted.

160. No amendments have been made to the provisions in the 1906 Act in relation to conspiracy and combination which have been re-enacted. As was previously the case most of the immunities are confined to trade unions holding negotiation licences and the members and officials of such unions.

Conditions to be fulfilled in order to join or form the trade union of one's choice

Right to form and join trade unions - constitutional provisions on freedom of association

161. The Constitution of Ireland guarantees the right to freedom of association. In article 40.6.1 the State guarantees liberty for the exercise, subject to public order and morality, of, *inter alia*, "the right of citizens to form associations and unions". The article provides that laws may be enacted for the regulation and control in the public interest of the exercise of that right. Article 40.6.2 provides that laws regulating the manner in which the right of forming associations and unions may be exercised shall contain no political, religious or class discrimination.

162. The constitutional guarantee of the freedom of association has been considered in a number of precedent-setting legal cases, which have had an important bearing on the conduct of industrial relations in Ireland. The courts have established the principle that a freedom or right to associate necessarily implied a correlative right not to join any trade union or a particular trade union (e.g. *Educational Company of Ireland v. Fitzpatrick* (1961) IR 345). This, in effect, made the "closed shop" illegal in Ireland in situations where it is enforced against workers already in employment before it was agreed or introduced. (In a "closed shop" arrangement joining and remaining a member of a particular trade union is a condition of employment.)

163. A trade union is not obliged, constitutionally or otherwise, to accept every applicant into membership and consequently unions themselves may impose restrictions on who may join. The Courts have held in a number of cases (e.g. *Murphy v. Stewart* (1973) IR 97) that there is no constitutional right to join the union of one's choice. The right to join a trade union in Ireland is, however, protected against interference by third parties in certain circumstances. Under the Unfair Dismissals Acts, 1977 to 1993, a dismissal, which is shown to have resulted wholly or mainly from an employee's membership or proposed membership of a trade union or from activities on behalf of a trade union, is deemed to be unfair.

164. The courts have also ruled that employers are not obliged, constitutionally or otherwise, to recognize trade unions for the purposes of collective bargaining but that it is legitimate for a trade union to engage in industrial action in pursuit of recognition. In the voluntarist industrial relations system which pertains in Ireland issues of trade union recognition are left to the parties involved to resolve. Recognition disputes can be referred to the dispute-settling agencies.

Right of trade unions to function freely

165. In Ireland trade unions and individual employers or employer organizations are free to engage in collective bargaining without the intervention of the law. The measures taken by the State to promote and facilitate collective bargaining have been described under article 7.

166. There is little statutory regulation of internal trade union affairs in Ireland. The general policy of the legislature in the Trade Union Acts, from the 1871 Act onwards, has been to intervene as little as possible in the internal affairs of trade unions. All that the 1871 Act requires is for registered unions to have rules in respect of a very limited range of matters and does not require the rules to have any particular form. The form and structure of the internal government of a trade union is a matter for the union itself to decide. This policy of non-interference in internal trade union affairs has been continued in subsequent trade union legislation with the following exceptions: the Trade Union Act, 1913, which requires unions with political funds to have certain provisions in their rule books on the operation of such funds; the Trade Union Act, 1941, which requires licensed unions to include provisions concerning the entry and cesser of membership; the Trade Union Act, 1975, which requires foreign-based unions to devolve certain functions upon their Irish membership; and the Industrial Relations Act, 1990, which requires unions to provide in their rules for the conduct of secret ballots before engaging in industrial action.

167. In the absence of widespread legislative intervention the legal relationship between a trade union and its members is chiefly determined by the union rule book, which, in the view of the Courts, constitutes a contract of a particular kind between the members and the union.

Number and structure of trade unions

168. Trade unions in Ireland can be loosely grouped into four broad categories: craft unions, which cater for skilled workers; general unions, which take workers into membership regardless of skill or industry; "white-collar" unions, which cater for professional, managerial, supervisory, technical or clerical grades; and industrial unions, which only recruit workers from a particular sector. (Pure industrial unions, catering for all the workers in a particular industry, are not a feature of the Irish trade union structure.) The Irish labour force is extensively unionized. At the end of 1994 there were 56 trade unions in the Republic of Ireland with a total membership of almost 500,000 representing about 47 per cent of the employee workforce. Of these, 48 unions representing 496,000 members (98.7 per cent of the total) were affiliated to the Irish Congress of Trade Unions. Nine of the 56 unions were United Kingdom-based and they accounted for 13 per cent of total membership.

169. The number of unions in Ireland has declined significantly in the past 25 years largely as a result of rationalization - from 95 in 1970, to 86 in 1980, 67 in 1990 and a current figure of 56. The State, with the support of the trade union movement, has sought to promote union rationalization by helping unions defray the costs they incur in mergers and by simplifying merger procedures. The Trade Union Act, 1975 was enacted for this purpose.

170. Employer associations which engage in negotiations on pay or other conditions of employment must, like trade unions, hold negotiation licences. There were 11 licensed employer associations in Ireland with a total of over 9,000 members at the end of 1994. The largest of these, the Irish Business and Employers Confederation, had 3,200 members, drawn nationally from a broad range of firms in industry and services.

The right to strike

171. The right to strike is recognized in the European Social Charter of the Council of Europe, to which Ireland is a party. Irish statute law does not provide a positive right to strike. Instead, trade unions, their officials and members who are engaged in industrial action are granted immunity from criminal and civil liability in certain defined circumstances.

172. The law on trade unions and trade disputes, as it applies in Ireland, evolved through the establishment of statutory immunities against various common law liabilities. This was accomplished in the series of Acts passed between 1871 and 1906. Over much of the nineteenth century the activities of trade unions were placed at considerable risk at criminal law by a number of common law doctrines, in particular, that of restraint of trade. The Trade Union Act, 1871 was enacted to relieve trade unions of some of the criminal and civil disabilities which they suffered as a result of this doctrine. The Conspiracy and Protection of Property Act, 1875 removed the application of the doctrine of criminal conspiracy from acts done by unions "in contemplation or furtherance of a trade dispute" unless such acts, when done by one person, would be criminal. It set definite limits to the application of the law of conspiracy to trade disputes and legalized picketing, thus giving legal recognition to collective bargaining.

173. While the 1871 and 1875 Acts diminished substantially the role of the criminal law in industrial relations, the development of liability for conspiracy at civil law came subsequently to pose an equal threat to trade unions. The Trade Disputes Act, 1906, granted unions immunity from various common law civil liabilities. It gave unions general immunity from actions in tort against them. For persons acting "in contemplation or furtherance of a trade dispute" it gave immunity from liability for the torts of conspiracy to injure, inducement of the breach of a contract of employment and interference with the trade, business or employment of another. The Act did not confer a positive right to strike or to organize industrial action; it merely immunized against civil liability. In essence, the 1906 Act made it impossible to sue a trade union for calling or supporting a strike or any other kind of industrial action. Subsequently, the Trade Union Act, 1941 restricted most of the immunities to licensed trade unions and the members and officials of those unions. The 1906 Act was repealed by the Industrial Relations Act, 1990 but, as noted above its main provisions were re-enacted.

Restrictions on the right to strike

174. Members of the Defence Forces and the Garda Síochana (police force) are forbidden by law to join ordinary trade unions or to resort to industrial action to effect changes in their terms and conditions of employment. Members of the Garda Síochana are, however, represented by four associations or representative bodies. Most members of the Garda force are covered by a conciliation and arbitration scheme for the purpose of determining their pay and conditions of employment. The most senior ranks in the force come within the ambit of the Review Body on Higher Remuneration in the Public Sector.

175. Until recently representative associations in the Defence Forces were prohibited. However, the Defence (Amendment) Act, 1990, modified the

restriction on members of the Defence Forces exercising the right of association. The Act allows the Minister for Defence to provide by regulation for the establishment of associations to represent members of the Defence Forces, in relation to their remuneration and such matters as the Minister may specify in the regulations, but excluding matters such as operations, command, constitution, organization and discipline of the Defence Forces. The legislation also provides that a member of the Defence Forces shall not become or be a member of a trade union or any other body (other than an association established under the Act) which seeks to influence the remuneration or other conditions of service of members of the Defence Forces. Two associations of Defence Forces members - one representing commissioned officers up to and including the rank of colonel and one representing other ranks - were set up in May 1991. Each association negotiates pay and conditions of service within the framework of the Defence Forces Conciliation and Arbitration Scheme. All ranks above colonel come within the ambit of the Review Body on Higher Remuneration in the Public Sector.

176. All other public service employees have the same rights of association as private sector workers and can also enjoy the industrial action immunities provided by the 1990 Act.

Restrictions placed upon the exercise of the right to join and form trade unions by workers

Statute law affecting freedom of association

177. The Trade Union Act, 1871 introduced a system of voluntary registration for trade unions. Unions could register with the Registrar of Friendly Societies but, in order to do so, they were required to have written rules setting out their objectives, benefits and so on. Registration, however, confers certain powers and advantages on trade unions which are not enjoyed by unregistered unions. A trade union is required to have only seven members in order to register. The original purpose of registration was to encourage unions to be, and to be seen to be, stable and properly administered bodies. Later, the Trade Union Act, 1941 made registration a condition of obtaining a negotiation licence.

178. Legislation enacted since 1940, in contrast to earlier legislation, sought to introduce some regulation of trade unions by the State, principally in the form of a system of licensing of unions. The purpose of these measures was to prevent fragmentation of the trade union movement and, in particular, to make it more difficult for new trade unions to be set up or breakaway unions to be formed. Through the negotiation licence requirement the State sought to introduce some degree of regulation into a situation, where there was a large number of unions, many of them small, a considerable degree of union rivalry, which often resulted in difficult inter-union disputes, and a tendency for disaffected groups of members to form breakaway unions. These measures, which were fully supported by the wider trade union movement, were designed to ensure strong and stable trade union structures and promote orderly industrial relations.

179. The Trade Union Act, 1941 made it obligatory for any body of persons, wishing to carry on negotiations for the fixing of wages or other conditions

of employment, to hold a negotiation licence. The conditions for obtaining a licence were made more stringent by subsequent trade union legislation. The principal conditions now are: the body must register as a trade union under the Trade Union Acts with the Registrar of Friendly Societies (except for foreign-based unions); have a minimum of 1,000 members; give notice of its intention to apply for a licence 18 months before doing so; and place a sum of money ranging from £20,000 to £60,000, depending on its membership level, on deposit with the High Court. Once a trade union satisfies all the conditions, the Minister for Enterprise and Employment must grant it a negotiation licence. The Trade Union Act, 1971 allows a union which does not fulfil either the minimum membership condition or the 18 months waiting period to apply to the High Court to have either or both of these conditions waived.

180. A number of unions with headquarters in the United Kingdom operate in Ireland. Foreign-based unions are not required to register with the Registrar of Friendly Societies in order to obtain a negotiation licence. However, a foreign-based union is required by the Trade Union Act, 1975 to have a controlling authority, every member of which must be resident in Ireland, and which has power to make decisions in relation to issues of direct concern to members of the trade union in Ireland. Apart from this, a foreign-based union must satisfy the same conditions as Irish-based unions to obtain a negotiation licence.

181. The Trade Union Act, 1941 exempts certain types of bodies, known as "excepted bodies", from the requirement to hold a negotiation licence. These include staff associations whose members are all employed by the same employer. In addition to the organizations which are defined in the Act as "excepted bodies", the Minister for Enterprise and Employment has power to designate a particular body as being an "excepted body". This power has been used mainly in relation to professional-type bodies which are not primarily concerned with collective bargaining. "Excepted bodies" do not enjoy the industrial action immunities under the Industrial Relations Act, 1990, which are confined to trade unions holding negotiation licences (see section on Right to strike above).

The right of trade unions to federate and join international trade union organizations

182. There are no restrictions in Irish law on trade unions forming national federations or joining international trade union organizations. The Irish Congress of Trade Unions (ICTU) is the central trade union authority in Ireland. It serves the whole of Ireland, including Northern Ireland, and is recognized as the national policy-making body of the trade union movement. The vast majority of trade unions in both parts of Ireland are affiliated to ICTU. The Congress consults and negotiates on behalf of its affiliates with employer organizations and the Government, and it represents Irish trade unions on various national and international bodies concerned with industrial relations and general economic and social policy.

ARTICLE 9

General

183. The Social Welfare System in Ireland covers all of the internationally recognized forms of social protection. Incorporating a mix of both social insurance and social assistance programmes, it provides financial support to people at certain stages of their lives or when certain contingencies arise, such as old age, illness, unemployment or widowhood. A Universal Child Benefit scheme is in place which provides for payment in respect of all children, regardless of the level of family income, employment or marital status. In addition, the Supplementary Welfare system provides a flexible scheme of last resort for persons whose income does not sufficiently meet their needs. The legislation governing the Social Welfare System is set out in the Social Welfare (Consolidation) Act, 1993, and subsequent amendments.

International conventions pertaining to social security to which Ireland is a party

184. Ireland ratified ILO Convention No. 102 concerning minimum standards of social security on 17 June 1968. Ireland has accepted the following parts of the Convention:

Part III - Sickness Benefit
Part IV - Unemployment Benefit
Part X - Survivor's Benefit

A general report on Ireland's application of the convention for the period 1 July 1992 to 30 June 1993 was forwarded to the International Labour Organization in 1994.

185. Ireland ratified ILO Convention No. 121 concerning Employment Injuries Benefits on 9 June 1969. A detailed report on Ireland's application of the Convention for the period 1 July 1992 to 30 June 1993 was forwarded to the International Labour Organization in January 1994. The report also provided details of legislative changes during the reference period.

Branches of social security in Ireland

186. The following branches of social security exist in Ireland: medical care, Cash Sickness Benefits, Maternity Benefits, Old-Age Benefits, Invalidity Benefits, Survivor's Benefits, Employment Injury Benefits, Unemployment Benefits and Family Benefits. Information on each of these branches is set out in the following section.

Main features of the schemes in force

Social insurance scheme

187. "Class A" social insurance, which applies to the majority of employees, provides protection against the contingencies covered by the branches of social security referred to in the previous section C and gives entitlement to the following benefits: Treatment Benefit; Disability Benefit; Maternity

Benefits; Health and Safety Benefit; Adoptive Benefit; Retirement Pension; Old-Age Contributory Pension; Invalidity Benefit; Widow's/Widower's Contributory Pension; Occupational Injuries Benefit; Unemployment Benefit; Deserted Wife's Benefit.

188. The Social Insurance schemes are financed from contributions collected from employers and employees and paid into the Social Insurance Fund; the deficit between outgoings and contributions is met by a subvention from the State. The employee's share of the contribution, which is 5.5 per cent, is paid on earnings up to a ceiling of £22,300 per year. The first £80 of weekly earnings is excluded from the calculation of the percentage payable. The employer's share is 8.5 per cent on weekly earnings up to £231. Where weekly earnings are in excess of £250, the percentage payable by the employer is 12 per cent up to a ceiling of £26,800 per year. Entitlement to social insurance benefits is determined by reference to the claimant's contribution record.

189. Recent years have seen an expansion of the categories of people covered by social insurance. Major developments in recent years were:

(a) The extension of social insurance cover for Widow's/Widower's Contributory Pension, Orphan's Contributory Allowance and Old-Age Contributory Pension to the self-employed in 1988 (Social Welfare Act, 1988);

(b) The extension of full social insurance cover to part-time workers in 1991. Prior to that, workers employed under 18 hours per week were generally excluded; now all employees in industrial, commercial and service-type employment who are employed under a contract of service with reckonable earnings of £30 or more per week from all employments are covered (Social Welfare Act, 1991 and the Social Welfare (Employment of Inconsiderable Extent) (No. 2) Regulations, 1991);

(c) The extension of social insurance cover to certain self-employed persons, i.e. share-fishermen, to include unemployment benefit, disability benefit, including benefits in kind for dental and optical treatment, in 1993 (Social Welfare (No. 2) Act, 1993);

(d) The extension of full social insurance cover giving entitlement to the full range of benefits to all new entrants to civil and public service employments from 6 April 1995. Civil and public servants recruited prior to 6 April 1995 will continue to have coverage for a limited range of benefits (Social Welfare (Modification of Insurance) Amendment Regulations, 1995);

(e) The extension of full social insurance cover to community employment workers recruited after 6 April 1996 and to community employment workers recruited prior to 6 April 1996 who elect to become fully covered for social insurance (Social Welfare (No. 7) Act, 1996).

Medical care

190. Benefits in kind. As a general rule entitlement to benefits in kind (e.g. in-patient hospital services) is based on income. It is not subject to satisfying contribution conditions. There are two categories of eligibility,

people with full eligibility (category 1) and people with limited eligibility (category 2). Benefits in kind are financed by the Department of Health.

191. Treatment benefits. Treatment benefit is available to insured people who satisfy the contribution conditions outlined below and their dependent spouses. The benefits covered by this scheme are:

(a) Dental Benefit (dental treatment and supply of dentures);

(b) Optical Benefit (sight testing and supply of glasses);

(c) Supply of hearing aids and contact lenses.

192. Qualified persons are required to pay a part of the cost of treatment or appliances. In order to qualify for Treatment Benefit, the following contribution conditions must be satisfied:

a) If aged under 21, 39 weeks' PRSI (Pay Related Social Insurance) contributions must have been paid since first starting work and the income in the relevant tax year (which for a claim made in 1996 is 6 April 1994 to 5 April 1995) must be below a fixed amount (currently £35,000);

(b) If aged 21-24, 39 weeks' PRSI contributions must have been paid since first starting work and 30 weeks' PRSI contributions paid or credited in the relevant tax year and the income in the relevant tax year must be below a fixed amount (currently £35,000);

(c) If aged 25-65, 260 weeks' PRSI contributions must have been paid since first starting work and 39 weeks' PRSI contributions paid or credited in either of the last two tax years before reaching age 66 and the income in the relevant tax year must be below a fixed amount (currently £35,000).

Cash sickness benefits

193. Disability Benefit. Disability Benefit is paid on a weekly basis to people who are unfit for work due to illness subject to the following contribution conditions: 39 weeks' PRSI contributions must have been paid since the person became insured and 39 weeks' PRSI contributions must have been paid or credited in the relevant tax year (a minimum of 13 weeks must be paid contributions).

194. Disability Benefit is normally paid from the fourth day of illness. It can be paid for as long as the employee is unfit for work and until s/he reaches pension age, provided s/he has paid at least 260 social insurance contributions. Otherwise, benefit ceases after 52 weeks of incapacity. The current personal rate of Disability Benefit is £64.50 per week, with a supplement of £38.50 for the adult dependant and £13.20 for each child dependant.

Maternity benefits

195. Maternity Benefit. Maternity Benefit is a payment for employed women who have been awarded maternity leave under section 8 of the Maternity Protection Act, 1994 and who have:

(a) At least 39 weeks' PRSI contributions paid;

(b) At least 39 weeks' PRSI contributions (paid or credited) in the relevant tax year;

(c) 39 weeks' PRSI contributions paid in the 12 months immediately before the first day of maternity leave.

196. Maternity Benefit is payable for the duration of basic maternity leave entitlement, that is, 14 weeks. If the baby is born later than expected, payment of benefit may be extended for up to a further 4 weeks. The benefit is payable on a weekly basis at a rate equivalent to 70 per cent of average reckonable weekly earnings in the relevant tax year, subject to minimum and maximum rates of £75.70 and £162.80 respectively, or the amount of Disability Benefit including increases for adult and child dependants to which the person would be entitled if absent from work through illness, whichever is the greater.

197. Health and Safety Benefit. This benefit is available to pregnant workers, workers who have recently given birth and workers who are breastfeeding who are unable to continue working due to an unavoidable risk to their health and safety arising at the workplace, and who have

(a) At least 13 weeks' PRSI paid in the 12 months immediately before the baby is due; or

(b) 39 weeks' PRSI paid since they first started working; and

(c) 39 weeks' PRSI paid or credited in the relevant tax year.

198. Night workers are also entitled to this payment for the duration of pregnancy and for a period following childbirth where no alternative (daytime) work is available. The weekly rates of payment range between £64.50 to £28.90, depending on the level of earnings. An adult dependant allowance of £38.50 is also payable where relevant.

199. Adoptive Benefit. Provision was made in the Social Welfare Act, 1995 for the introduction of an Adoptive Benefit scheme for people who are awarded leave under the Adoptive Leave Act and who have

(a) At least 39 weeks' PRSI paid in the 12 months immediately before the placement of the child for adoption; or

(b) 39 weeks' PRSI paid since commencing employment and 39 weeks' PRSI paid or credited in the relevant tax year.

200. The minimum period of leave in the case of an adopting mother or sole male adopter is 10 weeks commencing on the date of placement of the child with the adopting parent. The scheme was introduced on 19 April 1995.

201. The benefit is payable on a weekly basis at a rate equivalent to:

(a) Seventy per cent of average reckonable weekly earnings in the relevant tax year, subject to minimum and maximum rates of £75.70 and £162.80 respectively; or

(b) The amount of Disability Benefit including increases for adult and child dependants, to which the person would be entitled if absent from work through illness, whichever is the greater.

Old age benefits

202. Retirement Pension. Retirement Pension is payable at age 65 to people who have retired from full-time employment and satisfy the following social insurance contribution conditions:

(a) PRSI contributions must have been paid before reaching age 55;

(b) One hundred and fifty-six PRSI contributions must have been paid;

(c) A yearly average of at least 48 weeks' PRSI contributions must have been paid or credited for the period from 5 April 1979 to the end of the tax year before the applicant reaches pension age; or

(d) A yearly average of at least 24 weeks' PRSI contributions must have been paid or credited from 1953 (or the time applicant started insurable employment, if later) to the end of the tax year before reaching age 65.

203. In general a person aged between 65 and 66 satisfies the retirement conditions as long as he or she does not have earnings of £30 per week or more as an employee or income of £2,500 or more per year from self-employment. The retirement condition does not apply to persons aged 66 or over.

204. The maximum personal rate of Retirement Pension is £75 per week, which includes a supplement of £49.50 per week for an adult dependant aged under 66, and £53.90 per week, if aged over 66, in addition to a supplement of £15.20 for each child dependant. A person who has a lower yearly average of contributions may qualify for a lower rate. Provision is made for the payment of a Mixed Insurance Pro-Rata Pension to people who fail to qualify for a standard Retirement Pension because they have a mixture of full rate and modified insurance.

205. Old Age Contributory Pension. Old Age Contributory Pension is payable to persons aged 66 or over who satisfy the following social insurance contribution conditions:

(a) The applicant must have commenced paying PRSI contributions before reaching age 56 or age 57 depending on date of birth;

(b) One hundred and fifty-six PRSI contributions must have been paid; and

(c) A yearly average of at least 20 weekly PRSI contributions must have been paid or credited from 1953 or the time the applicant started insurable employment, if later, to the end of the tax year before reaching age 66.

206. Provision is made for the payment of a Mixed Insurance Pro-Rata Pension to people who fail to qualify for a standard Old Age Contributory Pension because they have a mixture of full rate and modified insurance. The maximum personal rate of Old Age Contributory Pension is £75 per week, which includes a supplement of £49.50 for an adult dependant under age 66 and £53.90, if over age 66. A supplement of £15.20 is payable for each dependent child.

Invalidity benefits

207. Invalidity Pension. Invalidity Pension is payable weekly, instead of disability benefit, to insured people who are certified to be permanently incapable of work and who have:

(a) At least 260 weeks' PRSI contributions paid since 1953 (or starting work if later);

(b) At least 48 weeks' PRSI contributions (paid or credited) in the relevant tax year.

208. Generally, before qualifying for invalidity pension, a person must have been in receipt of disability benefit for at least 12 months. In certain circumstances, however, it may be possible to qualify earlier. The personal rate of Invalidity Pension is £66.20 per week for persons aged under 65, and £75 per week for persons aged 65 or over. There is in addition a supplement payable for an adult dependant of £43.60 per week, and £15.20 per week for each child dependant.

Survivors' benefits

209. Widow's/Widower's Contributory Pension. This pension is payable to widows/widowers, regardless of age, who are not cohabiting (that is, living with someone as husband and wife) and who satisfy the relevant social insurance contributions either on their deceased spouses's insurance record or on their own insurance record. The contribution conditions are that:

(a) There must have been at least 156 PRSI contributions paid up to the date of death of spouse; and

(b) If the late spouse was insured for four years or more before s/he died or reached pension age, there must have been a minimum average of at least 39 weeks' PRSI (paid or credited) in either three of the five tax years before his/her spouse's death or before s/he reached pension age; or

(c) For a minimum pension, a yearly average of at least 24 weeks' PRSI paid or credited is needed since starting work up to the end of the tax year before the spouse's death or before the spouse reached pension age.

210. For a maximum pension, a yearly average of 48 weeks' PRSI paid or credited is needed.

211. The pension is payable as long as the recipient remains widowed and does not cohabit with another person, or until s/he is eligible for a Retirement Pension or Old-Age Contributory Pension of an amount which is at least equivalent. The personal rate of Widow's/Widower's Contributory Pension is £68.10 per week, with a supplement of £17.00 per week for each child dependant.

Employment injury benefits

212. In general all categories of employment in the private and public sectors are insurable for Occupational Injuries Benefits, the main exceptions being non-commissioned officers and members of the Defence Forces and the self-employed. Employment injuries benefits are also paid out of the Social Insurance Fund, but there are no contribution conditions attached to payment of benefits.

213. Medical care. There is provision for the payment of costs of medical care incurred as a result of a work accident or disease. However, these expenses must not already have been met by the Health Board or by way of Treatment Benefit from the Department of Social Welfare.

214. Occupational Injury Benefit. The benefits consist of Injury Benefit, which is paid while a person remains unfit for work, up to a maximum period of 26 weeks starting from the date of the accident or the onset of the prescribed disease. Persons incapable of work after the expiry of 26 weeks may be entitled to Disability Benefit. A personal rate of £64.50 per week is payable, in addition to a supplement of £38.50 per week for an adult dependant and £13.20 for each child dependant.

215. Disablement Benefit. Disablement Benefit is payable when, as a result of an occupational accident or disease, a person is suffering from a loss of physical or mental faculty, even where s/he has not been rendered unfit for work. The rate of payment, which may be weekly or monthly, depends on the degree of a person's disablement, which is medically assessed. The maximum rate which is payable in cases of over 90 per cent disablement is £88.20. A reduced pension is payable in cases of 20 per cent to 90 per cent disablement. Persons whose disablement is assessed at between 1 per cent and 19 per cent may be entitled to a lump sum, subject to a maximum of £6,160. Disablement Benefit is normally paid after Injury Benefit stops. However, if a person is incapable of work, payment can be made from the fourth day of incapacity.

216. Unemployability Supplement. Unemployability Supplement is payable to people who are getting Disablement Benefit, are permanently incapable of work, and do not qualify for Disability Benefit. The personal rate is £64.50 per week, with a supplement for an adult dependant of £38.50 per week and an increase of £13.20 per week for each child dependant.

217. Constant Attendance Allowance. Constant Attendance Allowance is payable to people who are getting 100 per cent Disablement Benefit, and need someone to help with their personal needs. The standard rate payable in respect of 100 per cent disablement is £35.80 per week.

218. Survivor's Benefit. Survivor's Benefits may be paid when an insured person dies as a result of an occupational accident or disease. These benefits comprise the Widow's Pension, Dependent Widower's Pension or gratuity, Dependent Parent's Pensions and Funeral Grant.

Unemployment benefits

219. Unemployment Benefit. Unemployment Benefit is available to persons aged between 18 and 65 who are capable of, available for and genuinely seeking work and who have at least:

(a) Thirty-nine weeks' PRSI contributions paid; and

(b) Thirty-nine weeks' PRSI contributions paid or credited in the relevant tax year.

220. Payment of Unemployment Benefit is made on a weekly basis and is normally made from the fourth day of unemployment. However, if a person has submitted a claim for Disability or Unemployment Benefit in the preceding 13 weeks, payment may be made from the first day of unemployment. Unemployment Benefit is normally paid for up to 390 days. However, it is payable up to pension age (66 years) if a person is over 65 and has paid at least 156 contributions while in insurable employment. The personal rate of Unemployment Benefit is £64.50 per week, with an increase of £38.50 for an adult dependant and £13.20 for each child dependant.

Family benefits

221. Deserted Wife's Benefit. Deserted Wife's Benefit is payable to a woman who has been deserted by her husband for at least three months, who has made appropriate efforts to get maintenance from her husband, whose husband is not paying adequate maintenance for her and her children, who has one child dependant (if aged over 40, this condition does not apply), satisfies the relevant contribution conditions, whose income does not exceed a prescribed amount and who is living in the State. Deserted Wife's Benefit may be based on the claimant's insurance record or on her husband's insurance record. The maximum personal rate payable is £68.10 weekly. An increase of £17 per week is payable for each child dependant.

222. A new One-Parent Family Payment will replace Deserted Wife's Benefit and the social assistance scheme Lone Parent's Allowance in January 1997. The new payment will be available to both male and female applicants.

223. Orphan's Contributory Allowance. Orphan's Contributory Allowance is payable where the orphan's parents are both dead or one has died and the other is unknown or the surviving parent has refused/failed to provide for the child and the following social insurance conditions are satisfied: there must have been 26 weeks' PRSI contributions paid at any time by a parent or step-parent.

224. Child Dependant Allowance. Child Dependant Allowance (CDA), a supplement to the main payment, is payable to all social welfare recipients with dependent children, at rates varying from £13.20 to £17.00 per week according to the nature of payment. Payment of CDA on short-term payments (Disability Benefit, Unemployment Benefit, short-term Unemployment Assistance and Supplementary Welfare Allowance) ceases when the qualified child reaches 18 years. However, CDA is payable to all social welfare recipients on long-term payments (e.g. Invalidity Pension) in respect of children in full-time education up to the age of 22, on the basis that families with children who are long-term dependent on social welfare face a particularly high risk of poverty.

225. In recent years, rates of payment for CDA have been maintained at their existing levels, while rates of Universal Child Benefit have been increased sharply. This reflects the view that it is more equitable to channel child income support through Universal Child Benefit, which is not subject to assessment for tax or for pay-related social insurance and is payable whether the recipient is in employment or not.

Social Assistance payments

226. Although policy has been to extend social insurance cover as widely as possible, it is recognized that there will continue to be a need for social assistance payments for people not covered by social insurance (e.g. those outside the workforce) or where entitlement to social insurance benefit is exhausted (as in the case of the long-term unemployed, for example). Social Assistance payments are financed directly by the State and are subject to a means test. The main Social Assistance payments are: Unemployment Assistance; Pre-retirement Allowance; Old-Age (Non-Contributory) Pension; Widow's (Non-Contributory) Pension; Lone Parent's Allowance; Family Income Supplement; Carer's Allowance; Orphan's (Non-Contributory) Pension; Disabled Person's Maintenance Allowance; Blind Person's Pension. In addition, there is a Supplementary Welfare Allowance scheme for those whose means are insufficient to meet their needs.

227. Unemployment Assistance. Unemployment Assistance is available to a person aged between 18 and 65 who is resident in Ireland, is available for and actively seeking work and satisfies a means test. The short-term rate of assistance is currently £62.40 per week; an increase of £38.50 per week is payable for an adult dependant and £13.20 per week for a child dependant.

228. Pre-retirement Allowance. Pre-retirement Allowance is a means-tested payment which enables persons aged 55 or over who are getting long-term Unemployment Assistance to opt to retire from the labour market and receive a weekly allowance in place of Unemployment Assistance. Pre-retirement Allowance is paid on a weekly basis and is payable up to the date the recipient qualifies for Retirement Pension (age 65) or Old-Age Pension (age 66). The maximum personal rate is currently £64.50 per week. An increase of £38.50 is payable for an adult dependant, and £13.20 for each child dependant.

229. Old-Age (Non-Contributory) Pension. The Old-Age (Non-Contributory) Pension is a means-tested payment available to persons aged 66 or over, who

are living in the State and do not qualify for an Old-Age Contributory Pension. The maximum personal rate is currently £64.50 per week. An increase of £38.50 is payable for an adult dependant, and £13.20 for each child dependant.

230. Widow's (Non-Contributory) Pension. Widow's (Non-Contributory) Pension is a means-tested payment available to widows who are not entitled to a Widow's/Widower's Contributory Pension and have no children. The maximum personal rate is currently £64.50.

231. Lone Parent's Allowance. Lone Parent's Allowance is payable to a person who is widowed, separated, deserted, unmarried or a prisoner's spouse and who has at least one dependent child living with him/her, is not cohabiting, is living in the State and who satisfies a means test. In the case of separated/deserted persons, s/he must have been separated/deserted for at least three months, have made efforts to get maintenance from his/her spouse for him/herself and his/her children. The personal rate of Lone Parent's Allowance is £79.70 per week. An increase of £15.20 is payable for each additional child.

232. Family Income Supplement. Family Income Supplement may be claimed by a person in full-time, low-income employment, with at least one child and with an average weekly income (i.e. single or joint) below a fixed amount for the family size. The purpose of this scheme is to ensure that people have a strong incentive to take up and stay in work even where such work may be low paid. Family Income Supplement is paid for 52 weeks while in employment and is not affected by changes in family income or short periods of illness. Family Income Supplement is calculated at 60 per cent of the difference between a person's family income and the income limit for that person's family size. For example, the present income limit for a person with one child is £195 per week.

233. Carer's Allowance. The Carer's Allowance is a means-tested payment available to carers on low income who live with and look after certain people who need full-time care and attention. In order to qualify, the carer must be aged 18 or over, satisfy a means test, live with the person being cared for, care for the person on a full-time basis and not be employed or self-employed outside the home. In addition, the person being cared for must be in receipt of certain prescribed payments. The current maximum personal rate is £67.50 per week; an increase of £13.20 is payable to lone parents for each child dependant, £6.60 is payable if the carer is living with his/her partner.

234. Orphan's (Non-Contributory) Pension. Orphan's (Non-Contributory) Pension is a weekly allowance payable, subject to means test, to an orphan who is not entitled to an Orphan's Contributory Allowance. The maximum rate payable is £42.60 per week.

235. Disabled Person's Maintenance Allowance. Disabled Person's Maintenance Allowance is a weekly allowance paid by the Health Boards, subject to a medical and means test, to persons who are unable to work due to a disability and who do not qualify for a contributory payment. The maximum personal rate is £64.50. An increase of £38.50 is payable for an adult dependant, and £13.20 for each child dependant.

236. Blind Person's Pension. Blind Person's Pension is a weekly allowance payable, subject to a means test, to blind people and certain people with low vision who are aged 18 or over and are living in the State. The maximum personal rate is £64.50. There is an increase of £38.50 for an adult dependant and £13.20 for each child dependant.

Universal schemes

237. Universal Child Benefit. Child Benefit is a universal payment, not subject to contribution conditions or a means test. It is paid every month for each qualified child normally living with the claimant. A qualified child is defined as a child under age 16 or a child aged 16, 17 or 18 who is in full-time education or who is physically or mentally handicapped and dependent on the claimant. Child Benefit is normally paid to the child's mother or stepmother, unless the child is not living with the mother or stepmother, in which case Child Benefit is payable to the child's father or stepfather.

238. The rates of Child Benefit were increased by £2 in 1996, bringing the current level of payment to £27 per month for the first two children and £32 per month for the third and subsequent children. In 1995 the rates of Child Benefit were increased by £7 per month. The value of Child Benefit has therefore been increased by 45 per cent for the first two children and 36 per cent for third and subsequent children over the last two years.

Expenditure on social welfare

Comparison of 1985 social welfare expenditure figures with those in 1995*

239. The differences in social welfare expenditure for the years 1985 and 1995, together with the differences in the number of recipients and beneficiaries of each social welfare scheme, are outlined in tables 1-4. The figures for these tables were taken from the 1985 and 1995 issues of Statistical Information on Social Welfare Services.

240. As table 1 shows, total social welfare expenditure in 1985 amounted to approximately £2,298,000. By 1996, this figure had risen to approximately £4,180,000, an increase of £1.9 million.

241. Social welfare expenditure as a percentage of current government expenditure has remained almost static in the period 1985-1995. As a percentage of GNP, however, social welfare expenditure has dropped from 14.5 per cent in 1985 to 12.5 per cent in 1995.

242. One of the most obvious reasons for the increase in expenditure is, of course, the increases in the rates of payments made to the recipients of each scheme in this 10-year period. However, a number of other factors have also played a role. For example, the number of recipients of social welfare

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* See appendix B, figures 9.1 to 9.6.

payments increased from 740,781* in 1985 to 839,633 in 1995, the number of beneficiaries increased from 1,334,904 to 1,456,557, and a number of new schemes were also introduced.

Changes that have taken place in each of the four main categories of schemes

243. Old-age payments. In 1986, the components of old-age expenditure were Contributory and Non-Contributory Old-Age Pensions and Retirement Pensions. The 1995 figures, however, include 15,023 recipients of Pre-retirement Allowance (PRETA) payments. This scheme, which was introduced in 1990, allows those aged 55 or over and who are in receipt of long-term Unemployment Assistance (UA) to retire from the labour market and receive a weekly allowance instead of the UA payment. Those in receipt of this allowance do not have to sign on and are, therefore, excluded from the Live Register. (As these people would have been receiving UA payments, this figure would have been included in the Unemployment category. In 1994, the Single Woman's Allowance was incorporated into the PRETA scheme.

244. Illness payments. In 1995, the total number of recipients of illness payments was 15 per cent lower than in 1985. This decrease is due to the significant drop in the number of people receiving Disability Benefit and Interim Disability Benefit. In 1990, new legislation was introduced concerning the PRSI contribution conditions. These conditions now stipulate that, in order to qualify for DB, one must have at least 39 weeks' PRSI paid since first starting work and 39 weeks' PRSI paid or credited in the relevant tax year of which a minimum of 13 weeks must be paid contributions.

245. Family Income Support. The biggest changes that have occurred in the 10-year period in question relate to Family Income Support payments. The number of recipients in this category rose from 165,551 in 1985 to 218,336 in 1995 - a 32 per cent increase. In November 1990, certain schemes in this category were amalgamated following the introduction of the Lone Parent's Allowance. All recipients of Unmarried Mother's Allowance, Deserted Husband's Allowance and Widower's Non-Contributory Pension transferred to this scheme. Recipients with children on Widow's Non-Contributory Pension, Deserted Wife's Allowance and Prisoner's Wife's Allowance also transferred to the Lone Parent's Allowance. This scheme is classified as Family Income Support.

246. Major changes can be seen in some of those schemes, despite the fact that figures are not directly comparable. The number of recipients of Deserted Wife's Benefit increased from 5,165 to 14,284 (177 per cent) and the number receiving the Lone Parent's Allowance (unmarried parent), which in 1985 was known as the Unmarried Mother's Allowance, increased from 11,530 to 33,823 (193 per cent).

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* The actual total of recipients in 1985 (see table 2) does not correspond to the above figure which is based on the sum of recipients in each category (see table 3) in 1985. This discrepancy arises because the manner by which recipients are categorized has changed since 1985. A similar discrepancy arises in the case of beneficiaries.

247. One other category that has grown substantially over this period is that of Family Income Supplement. In 1985, 4,664 payments were made. By 1995, this figure had risen to 11,398 - a 144 per cent increase. This increase probably reflects the changing nature of employment in this country, with the number of part-time and low-paid jobs growing steadily.

248. Unemployment. The number of recipients of Unemployment Benefit and of Smallholder payments fell by 30 per cent and 42 per cent respectively, whereas the number receiving Unemployment Assistance payments increased by 66 per cent from 120,985 to 200,587.

249. New schemes. A number of new social welfare schemes were also introduced between 1985 and 1995. These include the Carer's Allowance introduced in October 1990; Health and Safety Benefit, introduced in October 1994; and Adoptive Benefit, introduced in April 1995.

Supplementation of the formal (public) social security schemes by informal (private) social security schemes

250. Formal (public) social security schemes may be supplemented by informal (private) arrangements. The arrangements relate to Occupational Benefit schemes which are governed in relation to social security benefits by the provisions of the Pensions Act 1990 which is administered by the Department of Social Welfare.

251. Occupational Benefit schemes. All schemes are subject to Trust Law. The majority of pension schemes are funded from employers and usually from employees; income is also received from investments. Benefits are normally payable when members die, retire or leave service.

252. Specified normally are entitlements provisions in the event of early retirement, redundancy or leaving service, normally based on pensionable service completed and pensionable salary at the relevant date. Other benefits include a lump sum on death in service and a spouse's or other dependant's pension on death in service or retirement.

253. Some of the schemes are "defined contribution schemes" where the contributions of the employer and, where contributory, of the Employee are defined and benefits on retirement depend on the amount of these defined contributions and investment earnings thereon. Death in service benefits are also provided normally but are separately insured.

254. Tax Relief. Tax relief is made available to schemes which qualify for "approved status" or "exempt approved status" from the Revenue Commissioners under the Finance Act, 1972. For the majority of defined benefit schemes the contribution rates are based on advice given by an actuary. In some defined benefit schemes contributions are directly linked to an insurance company's bonus and premium rates with no allowance for future salary progression (annual premium method).

255. Legal Provisions. Provision is made for the regulation of Occupational Benefit schemes including:

(a) Preservation of benefit entitlements in the event of a member of a scheme leaving employment;

(b) Entitlement to certain information concerning the operation of the scheme and financial reports;

(c) Requirements to meet defined equality (gender) standards.

256. Interrelationship between Occupational Benefit schemes and formal (public) schemes. Benefits provided may include many of the type which are paid under the statutory schemes including retirement pensions and Widow's or Widower's, Orphan's, Maternity, Disability and Unemployment Benefits.

257. Benefits may vary with the scheme rules which are optional. Under the rules there will normally be an offset provided of the amount of State benefit/pension paid against the corresponding entitlement under the occupational scheme. For example, retirement pension under a scheme is abated by the amount of the State pension entitlement. Occupational Retirement pension comprises typically a stated percentage of the member's final pensionable salary, perhaps averaged to retirement.

Statistics

Position at end 1993

	Defined Benefit	Defined Contribution
No. of schemes	2 599	31 957
Total members	406 445	61 445

Position at April 1995

	Defined Benefit	Defined Contribution
No. of schemes	2 083	38 276
Total members	404 590	72 936

Vulnerable and disadvantaged groups

258. The characteristics which define coverage for social security benefits is the nature of the work contract and the level of earnings. In relation to assistance schemes, it is the level of means, including earnings, that defines eligibility for benefits. While these Criteria do not discriminate against any one homogenous group, such as women, travellers or the homeless, the Government keeps the situation under review to ensure that social welfare needs are being met. Indeed, the National Anti-Poverty Strategy, which was devised subsequent to the World Social Summit in Copenhagen 1995, has identified equality of access and participation for all, the reduction of inequality and the guarantee of the rights of minorities as principles which

must inform action in the following key areas: educational disadvantage; unemployment; income adequacy; tackling rural poverty; regenerating disadvantaged communities.

259. Claims by non-nationals for Social Welfare payments are determined in accordance with the same statutory conditions as claims by Irish nationals and, accordingly, the nationality of Social Welfare claimants is not an issue. The EU Social Security Regulations provide for equality of treatment between workers who are nationals and other nationals from the European Economic Area in relation to Irish social insurance and social assistance payments covered by the Regulations. Ireland has also concluded bilateral Social Security Agreements with a number of countries which are designed to protect social security (pension) rights and prevent the possible double liability for payment of social security contributions.

Measures introduced to achieve equity in the social welfare scheme

260. A number of measures introduced over the past few years have been designed to achieve equity between men and women in the social welfare system.

261. In 1989, a social assistance payment was introduced for widowers and deserted husbands with child dependant(s) equal to that available to widows and deserted wives.

262. In 1990, the Lone Parent's Allowance scheme was introduced. This scheme incorporated the then-existing Unmarried Mother's Allowance, Widower's (Non-Contributory) Pension, Deserted Wife's Allowance and Prisoner's Wife's Allowance schemes in so far as they apply to women with child dependants. Men and women with child dependants are now entitled to claim Lone Parent's Allowance if they are widowed, separated, an unmarried parent or the spouse of a prisoner. The same conditions of entitlement and rates of payment apply to both male and female applicants.

263. A Survivor's (Contributory) Pension was introduced in 1994. Under the scheme men and women became eligible for a contributory pension on the same basis. Previously, widowers were not entitled to a contributory pension on the death of their wife.

264. Formerly, women who took time out from the workforce to care for young children in the home, or look after elderly or incapacitated people, found that the "gap" in their pay-related social insurance record prevented them from qualifying for a contributory pension. Provision was made in 1994 that contribution years spent working in the home while caring on a full-time basis for a child up to six years of age or an incapacitated person would be disregarded for the purpose of calculating the yearly average condition in determining entitlement to contributory old-age pension. A maximum of 20 years may be disregarded. The 1995 budget increased the age of children being cared for under this scheme from 6 to 12 years. This improvement will be effective from the contribution year 1995/96 onwards.

One-Parent Family Payment

265. The Minister for Social Welfare is to introduce a new One-Parent Family Payment to replace the existing arrangements for lone parents from early 1997 which will replace the existing Lone Parent's Allowance scheme and incorporate the Deserted Wife's Benefit and Allowance schemes. The features of the payment are as follows:

(a) It is non-discriminatory in that it will be available equally to men and women rearing children on their own;

(b) It is non-judgemental in that entitlement will not depend on the reasons for sole parenthood. In particular, the requirement to prove desertion and the intrusive questioning associated with such an inquiry will be dispensed with;

(c) The new payment will be related to the household income and include an increase in the earnings disregard;

(d) It will seek to ensure that there is no disincentive to return to or continue work;

(e) Existing recipients will not lose out as a result of the change.

Other equality measures

266. A change was made in the signing arrangements for unemployed Travellers in 1994 in order to ensure that unemployed Travellers would receive the same service as other unemployed. Members of the Travelling community were formerly required to sign on every Thursday at the same time (between 11.30 and 12 noon) at designated social welfare offices around the country. In order to address this anomaly, with effect from November 1994 their signing arrangements were relaxed. This meant that in future they would only be required to sign on once a month, in line with the signing arrangements of the general population.

The role of international assistance in the full realization of the right enshrined in article 9

Treaty of Rome and EEC Regulations 1408/71 and 574/72: Equality of treatment to non-nationals

267. Under the Treaty of Rome (article 51), workers who are EU nationals are entitled to come to Ireland to seek and take up work here. Migrant workers moving from one member State to another are:

(a) Entitled to avail of social security in the host country;

(b) To have certain social insurance (e.g. pensions) payments earned in other member States paid to them here; and

(c) To have, under a complex set of rules, the social insurance entitlements they have built up in different member States amalgamated.

268. Arising from this obligation, EEC Regulation 1408/71 and Regulation 574/72 were adopted. These Regulations contain detailed provisions on the application and implementation of social security schemes throughout the European Union and apply to EU nationals who are employed persons or self-employed persons and to members of their families moving within the Union. Article 7 of the Treaty of Rome provides for the prohibition of discrimination on grounds of nationality. This principle is also contained in article 3 of EEC Regulation 1408/71 which provides that, in general, a person resident in the territory of one member State is subject to the same obligations and enjoys the same benefits under the legislation of any member State.

ILO Convention on Minimum Standards in Social Security

269. Ireland is asked to provide the ILO with a detailed report and general report on its implementation of the Convention at regular intervals. The information provided in the report concerns legislative changes during the reference period. An analysis is also taken of the level of benefits provided by the Department of Social Welfare in relation to the standard wage of an ordinary male labourer to ensure that benefits provided achieve a minimum level.

270. Ireland is party to a number of other conventions which are concerned with the full realization of the rights enshrined in article 9, including ILO Convention No. 44 concerning Unemployment Provision, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. Ireland has also ratified the European Social Charter and the following parts of the European Code of Social Security: sickness benefit, unemployment benefit, old-age benefit, family benefit and survivor's benefit.

ARTICLE 10

The meaning of "Family"

271. The Constitution of Ireland describes the family as the "natural primary and fundamental unit group of society". Additionally, the Constitution pledges to guard with special care the institution of marriage in which the family is founded and to protect it against attack. The Government sees the family as the most important unit within the life of the State and is committed to sustaining its needs in the face of the problems which confront it in the modern world. To this end, the Government is mindful of the need to remove obstacles to the development of the family and to introduce aids to promote its well-being, for example in education and employment. The Government is currently looking at ways in which it can create a better focus on the family and to this end has established a Commission on the Family. The Commission on the Family has been given the task of examining the needs and priorities of families in today's rapidly changing social and economic environment and is to recommend to the Government how families can best be facilitated in the support and development of individual members. They will make an interim report to Government by October 1996 and a final report by June 1997.

The age at which children are deemed to attain their majority for different purposes

272. In Ireland, the Age of Majority Act, 1985 provides that majority is attained at the age of 18 years or on marriage (since 1 August 1996, a marriage involving a person under 18 may only take place with court approval). At this age citizens also have the right to vote.

273. The Child Care Act, 1991 defines a child as meaning "a person under the age of 18 years other than a person who is or has been married".

274. Under the Adoption Acts a child being considered for adoption must be under 18 years.

275. Under the Mental Treatment Act, 1945, as amended, a child is defined as a person under the age of 16 years. The Government has proposed in a White Paper on a new Mental Health Act to define a child for the purpose of mental health legislation as a person who has not yet attained his or her eighteenth year unless he or she has been married. This would bring the definition in line with child care legislation and with the age of majority.

276. A child may sue in court through a "next friend" in some civil law proceedings. However, there are no statutory provisions which empower a child as a plaintiff, to institute family law proceedings (even through a next friend).

277. The School Attendance Act, 1926 and its amendments require children to attend school between the ages of 6 and 15 years. A review of the School Attendance Act which will, in particular, raise the minimum school-leaving age to 16 years, in line with the provisions of the White Paper on Education, is currently under way.

278. The employment of children under the school-leaving age is generally prohibited. An exception is made where he/she is a full-time student at an institute of secondary education and is participating in a work experience course or other similar educational course arranged or approved by the Minister for Education. However, a child of 14 years but under the school-leaving age of 15 years may be permitted to do light, non-industrial, work during the school holidays. Where a 14 year old child is employed in these limited circumstances it is only permitted on work which is not harmful to the child's health or normal development and does not interfere with the child's schooling. Before employing a child aged 14 to 15 years, the employer must obtain written permission from the child's parent or guardian. The Protection of Young Persons (Employment) Bill, 1996, proposes to raise the legal full-time working age from 15 to 16.

279. The Safety, Health and Welfare at Work Act, 1989 imposes a general duty of care on employers in relation to all employees. The provisions of the 1989 Act are amplified by the Safety, Health and Welfare at Work (General Application) Regulations 1993. These Regulations also impose a particular duty on employers to ensure that sensitive risk groups of employees, which would include children, are protected against any dangers which would specifically affect them.

280. Outside of marriage, 17 years is the age of consent for both heterosexual and homosexual intercourse.

281. The Family Law Act, 1995, which came into operation on 1 August 1996, increased the age of marriage from 16 years to 18 years and requires persons to give not less than three months' notice of their intention to marry to the Registrar of Marriages. These provisions have been framed to better protect the institution of marriage. However, an application can be made to the Circuit Court to get an exemption from either of the above provisions.

282. In Ireland, there is no conscription into the Defence Forces. The general rule with regard to enlistment is that a person under the age of 18 years (other than a person who is or has been married) may not be enlisted until the consent of his/her parent, guardian or other person in loco parentis, has been obtained (see also paragraph 425).

283. In any criminal proceedings, the evidence of a person under 14 years of age may be received otherwise than on oath or affirmation if the court is satisfied that the child is capable of giving an intelligible account of events which are relevant to those proceedings. In civil proceedings, witnesses are not subject to any age limit, but evidence must be given on oath or by affirmation.

284. There is a conclusive presumption in Irish law that a child under 7 years is incapable of committing an offence. There is a rebuttable presumption that a child between 7 and 14 years is incapable of committing an offence, i.e. it must be proved not only that the child committed the offence but that he or she knew that it was wrong. These ages are being reviewed in the context of the examination of the juvenile justice system currently taking place.

285. Males under 16 and females under 17 cannot, except in exceptional circumstances, be sent to prisons or places of detention operated by the Department of Justice. Under those ages, young offenders may be detained in special schools operated by the Department of Education (see paragraphs 923-928 for details).

286. The Intoxicating Liquor Act, 1988 provides protection for children against alcohol abuse. It does this by making it an offence:

(a) For any person under 18 years of age to purchase alcohol, or to consume it in any place other than a private residence;

(b) For any person to purchase alcohol for consumption by a person under 18 years of age in any place other than a private residence;

(c) For a licence holder to sell or deliver alcohol to a person under 18 years of age or to permit consumption of alcohol by, or the supply of alcohol to, persons under 18; and, in addition,

(d) Alcohol in the possession of persons under 18 years of age in any place other than a private residence may be seized by the Gardaí;

(e) Persons under 15 years of age are not allowed into the licensed portion of a licensed premises unless accompanied by a parent or guardian;

(f) Persons under 18 years of age are not allowed in the part of a licensed premises where an extension permitting late-night drinking is in force;

(g) Persons under 18 years of age are not allowed into off-licensed premises (where alcohol is sold for consumption off the premises) unless accompanied by a parent or guardian.

287. Section 74 of the Child Care Act, 1991, which was implemented in 1991, makes it an offence to sell solvent based products to children where it is known or suspected that they will be abused. It also gives the Gardaí power to seize any substance in the possession of a child in a public place which the Gardaí have reasonable cause to believe is being misused by that child in a manner likely to cause him to be intoxicated.

288. The 1988 Tobacco (Health Promotion and Protection) Act makes it an offence to sell any tobacco product to a person under 16 years of age.

289. In broad terms, maintenance is payable in respect of a child until the child reaches 18 years of age or, if the child is in full-time education, 23 years. These age limits do not apply where a child is suffering from a mental or physical disability, such that it is not reasonably possible for them to maintain themselves fully.

290. Within the Social Welfare Code, the concept of dependency is normally defined as the economic dependence of a person arising from the various social security contingencies, e.g. unemployment, retirement, illness, old age, etc. In relation to such persons, dependency also covers their dependent spouse and children who are wholly or mainly maintained by them.

291. Accordingly, under social welfare legislation, financial support is provided, under this concept of dependency, for children under the age of 16. Entitlement may continue depending on the nature of the benefit/allowance, to ages 18 or 22 where the child is in full-time education or undertaking courses run by FÁS, the State employment authority, or has a disability or a mental handicap.

292. Children under 16 years of age, if employed, are not liable for Pay Related Social Insurance but cover is nevertheless provided for certain Occupational Injuries Benefits.

293. Child Benefit is normally paid up to 16 years of age in respect of a child but is extended up to the age of 19 years for persons in full-time education or on FÁS (Youthreach) job-training courses.

The right of men and women to enter into marriage with their full and free consent

294. The common law approach to marriage, which informs Irish law, is based on the idea that marriage is a voluntary union which requires the free consent

of both partners if a valid marriage is to ensue. It follows from this that lack of consent is one of the grounds for voiding a marriage. Lack of consent may be evident where there is insanity, or where mental incapacity results from any form of intoxication (at the time of the marriage ceremony), or where there is duress or undue influence.

Additional legislative protections for the family

295. There are two additional pieces of legislation which both tend towards the protection of the family. The Family Home Protection Act, 1976 makes void the purported conveyance by one spouse of any interest in the family home without the prior consent in writing of the other spouse. When the Bill was first introduced, it was indicated that its primary purpose was to protect the members of the family of a vindictive spouse from having the family home sold without their knowledge and the legislation has largely been successful in this aim. A further purpose of the Bill was directed towards encouraging spouses to place the family home in joint ownership by granting certain concessions in relation to stamp duty, court fees and registration fees. More recently, a more direct attempt was made to provide for automatic joint ownership of the family home by way of the Matrimonial Home Bill, 1993. However, the provisions of this Bill were found by the Supreme Court to be in conflict with the Irish Constitution and it did not become law.

296. The second piece of legislation, the Family Law (Protection of Spouses and Children) Act, 1981 has been extensively reviewed. Under the 1981 Act, barring and protection orders were granted by courts where the safety or welfare of the applicant spouse or any dependent child warrants it. The barring order operated to bar a violent spouse from the home. The protection order was an interim-type order to protect the spouse and children between the period of making the application for a barring order and determination of the application by the court. It did not bar the spouse from the home. A breach of a barring or protection order was a criminal offence punishable on summary conviction by a fine or imprisonment for up to six months or both. The Gardai had powers of arrest without warrant for breaches of barring and protection orders.

297. The Domestic Violence Act, 1996 repealed and re-enacted with amendments the 1981 Act. The main features of the Act are as follows: (a) the Act empowers the courts to grant a barring order against a respondent who is a spouse, cohabitant or adult child of the applicant subject to conditions; (b) barring orders will be available on an interim *ex parte* basis in situations of extreme emergency subject to conditions; (c) the Act empowers the courts to grant a new type of safety order which will in effect be a long-term protection order available to or against all members of a household. It may be sought as a remedy in its own right and not as an interim-type order pending the making of a barring order; (d) Regional Health Boards will, subject to conditions, have new powers to apply for orders on behalf of traumatized victims of domestic violence; (e) The police will have strengthened powers to arrest without warrant in cases of domestic violence. In addition to their existing powers of arrest without warrant for breaches of orders they will be entitled to enter a household to effect an arrest for such breaches or where there is an assault or such assault is suspected.

Other measures to grant assistance and protection to the family

Protection and assistance for the family: care and education of dependent children

298. The Government's White Paper (published in April 1995) on education acknowledges that the role of parents in the home is crucial in forming the child's learning environment by promoting positive attitudes towards education, by encouragement and the fostering of self-esteem and by direct instruction relevant to the child's age and learning needs, such as reading activities and homework supervision. It is very important, therefore, to develop dynamic and supportive links between the home and the school.

299. The White Paper states that, as part of its school plan, each board of management will be required to develop a formal home-school links policy, outlining the school's approach to links with the home and with the general body of parents, and stating the actions which will be taken to foster such links. The home-school links policy will be formulated in consultation with the parents' association. This policy will include initiatives aimed at raising awareness of the parents' role in facilitating the child's learning, with particular advice on homework. This policy will also provide for sharing information, for continuing advice and for guidance on specific ways to enhance the learning process, the provision of information and training in relevant instructional skills and the provision of formal educational and training programmes for parents.

300. The policy will provide for joint training for parents and teachers to assist them in working together. The policy will also provide for a regular flow of information on the child's progress in school through parent-teacher meetings, school reports and individual consultation with teachers. Access to information by parents about the school programme and ethos will be made easier, as is already the case in many schools, through pre-entry meetings, class meetings, school handbooks, and the annual reports of boards of management. Boards of management will be obliged by statute to provide access by parents to records relating to their own children.

301. Teachers have welcomed the greater involvement of parents in schools; they appreciate parents as important partners in the education of their children. The development and management of collaboration between parents and teachers in the educational progress of students, on the basis of mutual respect for one another's roles and responsibilities, is a powerful means of enhancing the value of education and schooling.

302. A Home-School Links programme, in place in a large number of disadvantaged schools, approaches the prevention of educational disadvantage and parent-school collaboration through a range of initiatives including: local coordinators; home visits; additional school facilities; parents' education through courses and classes; teacher education in relation to partnership.

303. The programme was recently evaluated and will be further developed following consideration of the evaluation report. The overall objective is to

alleviate the effects of disadvantage through facilitating the full participation of parents in the education of their children at first and second levels.

304. The home-school project has demonstrated clearly that there are many other related problems, involving, for example, social workers or the Police Authorities. The problems of erratic attendance - a serious problem for some schools - and of disruptive behaviour have a variety of causes which must be looked at in a caring and concerted way. Creating conditions for a more supportive environment, and to alleviate adverse factors, will require coordinated efforts by all concerned - health and social welfare agencies, the Police Authorities, local community groups, parents and educational interests.

305. Experience has also confirmed the importance of ensuring that links between home and school should commence at as early a stage as possible in the child's education. With this in mind, in October 1994, the Minister for Education introduced a pre-school programme - the Early Start programme - on a pilot basis, into eight locations; in 1995, a further 32 locations were included. These locations are in Dublin, Cork, Limerick, Waterford, Drogheda, Galway and Dundalk.

306. The Early Start initiative is a one-year programme targeted at children who are deemed to be most at risk of experiencing educational failure. The aims of the programme are:

(a) To enable each child to reach his or her full potential in the educational system;

(b) To support each child's retention in the school system to certification;

(c) To develop an educational environment in which each child will consider third-level education to be a real option.

307. Early Start involves parents at three levels: parents belong to an advisory group in each centre, parents participate in the everyday running and organization of the centre and parents join their children in many of the centre's activities. This creates a shared exchange of expertise between the centre and the parents, helping parents to develop a fuller understanding of their child's learning needs and allowing the centre's activities to benefit from the parents' unique experiences and insight.

308. The involvement of parents in this way provides an opportunity for community partnership and for participation in development and operation of an important local service.

309. The project is being evaluated by the Educational Research Centre, Dublin. In addition, the Minister for Education has established an expert and representative Monitoring Committee:

(a) To advise on the operation of the Early Start pre-school service;

(b) To advise on the future development of the service;

(c) To consider the evaluators' reports and provide advice on their implications;

(d) To advise on alternative models of pre-school provision in designated areas of disadvantage;

(e) To advise on ways in which parental involvement in the children's learning can be developed.

Parents as partners

310. The role of parents in the education system was accorded full recognition in the White Paper on Education. The Constitution acknowledges that the primary and natural educator of the child is the family. Article 42.1 states that it is the inalienable right and duty of parents "to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children". Although most parents choose to avail themselves of formal schooling for their children, the role of the family in the child's development remains central up to and into adulthood. Parents bring to the children's education the unique expertise derived from intimate knowledge of the child's development, of her/his child's particular needs and interests and of circumstances outside the school.

311. The parental role confers on them the right to active participation in their child's education. This entails parents' rights as individuals to be consulted and informed on all aspects of the child's education and their right as a group to be active participants in the education system at the school, regional and national levels.

312. Parents also have responsibilities. Parents should nurture a learning environment, cooperate with and support the school and other educational partners, and fulfil their special role in the development of the child.

313. Parents are full partners in the consultative process between the Minister, the Department and the other partners in education. The National Parents Council (primary and post-primary) have developed into strong and active bodies, articulating the needs and concerns of parents. The Councils are consulted in regard to initiatives in the education area and are represented on advisory committees, such as the National Council for Curriculum and Assessment. Their contributions to policy issues are very much welcomed and will continue to pay an important part in policy formulation.

314. The White Paper guaranteed that parents will be given statutory rights in regard to:

(a) Access to their own children's school records. Student's assessment outcomes will be recorded on standard student profile cards, designed in accordance with guidelines issued by the Department of Education. Parents will have a statutory right of access to their children's assessment outcomes;

(b) Parental representation on education boards and boards of management of schools. The composition of education boards and boards of management will reflect and promote participation and partnership in schools. To this end, parents will be represented on the "Core Board" within every board of management;

(c) Boards of management will encourage and aid in setting up of local parents associations. The White Paper states as a policy commitment that there will be a statutory duty placed on boards of management to promote the setting up by parents of a parents' association in every school in receipt of exchequer funding;

(d) Provision will be made for parental involvement in staff selection through their representation on selection boards. Guidelines will be prepared in relation to selection procedures for school staff which will make provision for parental involvement in staff selection, through their representation on selection boards;

(e) A national body will receive statutory recognition as the national parents representatives. At national level, the National Parents' Council is formally recognized as the representative body for parents at first and second levels. This formal recognition will be given statutory confirmation.

315. Parents, through their local parents' associations, will be involved in the development of their schools' plans, comprehensive documents setting out the schools' approach to, inter alia, discipline, Home-School links, and enrolment policies.

Income support

316. The Department of Social Welfare supports families (which includes dependant members of the family/extended family) through a wide range of income support schemes. The Department provides contributory payments (which are made on the basis of a pay-related social insurance record) and non-contributory payments (which are made on the basis of the claimant satisfying a means test) for the unemployed, the sick, the elderly, lone parents. In addition, Supplementary Welfare Allowance is available to those whose means are insufficient to meet their needs and those of their dependants.

317. The more specific schemes designed to provide income support to families include Child Benefit - a universal and non-means-tested scheme; the Family Income Support scheme which provides a payment to workers bringing up families on low earnings; Maternity Benefit, Health and Safety Benefit, Adoptive Benefit, Orphan's Contributory Allowance and Non-Contributory Pension. One in three school-going children benefit from Back to School allowances. The Social Welfare system also caters specifically for carers of the elderly and lone parents. Back to Work schemes assist the unemployed and lone parents particularly. Grants are made to voluntary and community groups, which in some cases assist Family Resource Centres.

Maternity protection

318. The Maternity Protection Act, 1994 incorporates the employment rights aspect of the EU Pregnant Workers Directive (92/85/EEC) into Irish law. The Act covers any employee who is pregnant, who has recently given birth or who is breastfeeding, and entitles such employees to 14 consecutive weeks' maternity leave, during which all employment rights, other than the right to remuneration, are guaranteed. It also entitles them, at their own option, to additional maternity leave of up to four weeks, which must follow on immediately from the maternity leave. During the pregnancy and for the 14-week period following the birth, employees are entitled to time off work without loss of pay for antenatal and post-natal medical visits. Following any absences authorized under the Act, any employee has the right to return to work in the same employment and under the same conditions.

319. Female employees are entitled to Social Security Benefit payments for the period of maternity leave, provided they satisfy the appropriate social insurance contribution requirements. Payment of Maternity Benefit is made in respect of a period of 14 consecutive weeks, beginning not later than 4 weeks before the expected date of confinement. The weekly rate of payment is 70 per cent of average weekly earning in the last complete tax year before the year in which benefit is claimed, subject to a minimum payment of £75.70 per week and a maximum payment of £162.80 per week, or the amount of Disability Benefit, including increases for adult and dependants, to which the person would be entitled if absent from work through illness, whichever is the greater.

320. Since April 1992, as a result of the extension of social insurance to part-time workers (see response under article 9), women in part-time employment earning £25 or more per week are entitled to claim Maternity Benefit for the first time and are subject to the same conditions as those applying to women in full-time employment. As a result virtually all working women are covered for a Maternity Benefit payment, subject to the normal contribution conditions. See response under article 9 for rates of payment.

321. In the event of the death of the mother within 14 weeks of the birth of the living child, the father of the child has certain leave entitlements and may be entitled to Maternity Benefit for part or all of the duration of the leave, subject to satisfying the contribution requirements for Maternity Benefit.

322. The rights of working mothers and young persons who work are protected by the employment laws which are referred to under article 6 and article 7.

323. The Safety, Health and Welfare at Work (Pregnant Employees etc.) Regulations, 1994 set out specific provisions in relation to the protection of the health and safety of pregnant and breastfeeding employees.

Health and Safety Benefit

324. A new Health and Safety Benefit for the protection of mothers at work was introduced in October 1994. This benefit is payable to employees who:

(a) Are pregnant, have given birth in the previous 14 weeks or are breastfeeding (up to 26 weeks after giving birth);

(b) Have been awarded Health and Safety Leave under section 18 of the Maternity Protection Act, 1994;

(c) Have at least 13 weeks' pay-related social insurance (PRSI) contributions paid in the 12 months immediately before the expected date of birth; or

(d) 39 weeks' PRSI contributions paid since commencing employment and 39 weeks PRSI contributions paid or credited in the relevant income tax year, i.e. the last complete income tax year, before the benefit year (January-December), which includes the first day for which Health and Safety Benefit is claimed.

325. Where an employer cannot either remove a risk to the woman's health or safety or her pregnancy or breastfeeding or assign her alternative "risk-free duties" (or alternative day work in the case of night workers), the woman must be granted Health and Safety Leave.

326. A woman who receives Health and Safety Benefit while pregnant is deemed to satisfy the PRSI contribution conditions for Maternity Benefit and a woman who applies for Health and Safety Benefit, having been in receipt of Maternity Benefit, is deemed to satisfy the PRSI contribution conditions.

327. The Maternity Protection Act, 1994 provides that employees will be entitled to receive pay from their employers for the first 21 days of Health and Safety Leave. Health and Safety Benefit is payable for the remainder of Health and Safety Leave, that is, up to the day on which the woman becomes entitled to Maternity Benefit. Payment ceases if the woman's Health and Safety Leave ends, either because the woman is no longer vulnerable to the risk involved, or her employer has eliminated the risk or provided her with alternative work, the woman ceases breastfeeding or the woman's employment, if on a fixed contract, expires.

328. See response under paragraphs 197-198 for rates of benefit.

Adoptive Benefit

329. Provision was made in the Social Welfare Act, 1995 for the introduction of an Adoptive Benefit scheme for people who are awarded leave under the Adoptive Leave Act, 1995 and who satisfy the relevant contribution conditions. The Adoptive Leave Act provides for the granting of adoptive leave in the case of an adopting parent who is in employment. An adopting parent can be an employed adopting mother, an adopting father (in cases where an adopting mother dies) or a sole male adopter (that is, a male adopter other than the adopting father). In the case of an adopting father, leave will be awarded whether or not the adopting mother was in employment.

330. The minimum period of leave in the case of an employed adopting mother or sole male adopter is 10 weeks commencing on the date of placement of the child with the adopting parent. In the case of an adopting father the period

of leave is for 10 weeks or, where the adopting mother dies after the date of placement, a period of leave of 10 weeks less the period from the date of placement to the date of her death. The Adoptive Leave Act also provides for the taking of additional unpaid adoptive leave.

331. Adoptive Benefit is payable for a continuous period of 10 weeks from the date of placement, that is, for the duration of the basic 10 weeks' leave entitlement. See response under article 9 for PRSI contribution conditions and rates of payment.

Groups of women who do not enjoy any maternity protection at all or do so to a significantly lesser degree than the majority

332. Formerly, women who were part-time workers were not covered for maternity insurance, as they were only paying a modified rate of insurance which only provided cover for occupational injuries benefits. Since April 1992, as a result of the extension of social insurance to part-time workers (see response under article 9), women in part-time employment earning £30 or more per week are entitled to claim Maternity Benefit for the first time and are subject to the same conditions as those applying to women in full-time employment. As a result virtually all working women are covered for Maternity Benefits payment, subject to the normal contribution conditions. Maternity Benefit is not, however, available to other categories of women, e.g. women who work full-time in the home, women in self-employment or women who are partners in their spouse's business. Self-employed women are insured for certain long-term benefits, i.e. Widow's/Widower's and Old-Age Contributory Pensions only. A proposal for a Directive is being considered by the EU Commission providing, amongst other things, for Maternity Benefit or analogous services for women who are partners in their spouse's business.

Special measures of protection and assistance for children

Children in conflict with the law: the administration of juvenile justice

333. Article 15.5 of the Constitution declares that the Oireachtas shall not declare acts to be infringements of the law, which were not so at the date of their commission.

334. Article 32.1 of the Constitution declares that no person shall be tried on any criminal charge save in due course of law. Every person, adult or child, is presumed under Irish law to be innocent until proven guilty.

335. Regulations provide that an arrested person, adult or child, must be told in ordinary language of the offence or other matter in respect of which he or she has been arrested and that he or she is entitled to consult a solicitor. In addition, where an arrested person is under 17 years, a parent or guardian must be informed of the arrest, the reason for the arrest and the right to consult a solicitor. The parent or guardian is also required to attend at the Garda station without delay.

336. In criminal cases, free legal aid is granted by the court, where the defendant, of whatever age, establishes to the satisfaction of the court that his or her means are insufficient to pay for legal assistance and where the

court is satisfied that the gravity of the charge or exceptional circumstances make it essential in the interest of justice that the defendant should have legal aid in the preparation and conduct of his or her defence. The grant of legal aid entitles the defendant to the services of a solicitor (and in certain circumstances, counsel) in the preparation of his or her defence or appeal.

337. Children charged with an offence have their cases tried in courts established by law. Where the child is under 17 years, a special sitting of the District Court, known as a Children's Court or a Juvenile Court, hears the case, unless the offence is serious enough to be heard by a court of higher jurisdiction.

338. Where a person under 17 years is charged with any offence, under the Childrens Act, 1908 his or her parent(s) must attend all stages of the proceedings unless he or she cannot be found or attendance would be unreasonable.

339. No defendant in a criminal trial, adult or child, is required to give testimony or confess guilt. Every defendant is entitled to call witnesses on his or her behalf and to cross-examine opposing witnesses, either directly or through a solicitor or counsel.

340. A conviction in the District Court may be appealed to the Circuit Criminal Court. A conviction in the Circuit Criminal Court or the Central Criminal Court (which hears the most serious categories of criminal cases) may be appealed to the Court of Criminal Appeal. A further appeal from the Court of Criminal Appeal to the Supreme Court may be made where the Court of Criminal Appeal or the Attorney-General certifies that the decision involves a point of law of exceptional public importance and that it is desirable in the public interest that such an appeal should be taken.

341. It is a fundamental principle of Irish law that a defendant must be in a position to understand the language used at the trial. Interpreters are provided if necessary, free of charge.

342. It is not the practice of the media to publish any information concerning criminal trials which could lead to the identification of children involved in those proceedings. Consideration is currently being given to putting this on a statutory footing.

343. The Juvenile Liaison Officer Scheme is an extrastatutory scheme introduced in the 1960s to divert young offenders from the judicial system. It provides for cautioning and supervising, as an alternative to prosecuting, juveniles who commit minor crimes. It is a requirement of the scheme that the juvenile admits the offence, and the parents or guardians agree to cooperate with the police in the implementation of the Diversion Programme. While the consent of the victim is not a condition for inclusion in the scheme, any views expressed are taken into consideration.

344. The function of the Juvenile Liaison Officer is to maintain contact with any juvenile assigned to the JLO scheme, with the intention of weaning him or her away from involvement in crime. A juvenile who has or may have committed

an offence and who has been warned, can be informally committed to the care of the Officer. The Juvenile Liaison Officer may also be entrusted with the care and guidance of a young person who, though not known to have committed an offence, may be regarded as a potential delinquent by reason of unsatisfactory behaviour, such as persistent truancy, running away from home, staying out late at night, being unruly at school or at home, behaving in a disorderly manner, or frequenting undesirable places. Such cases would come to notice through teachers, parents, school attendance officers, or the Gardaí generally.

345. The number of new cases (i.e. cautions) which came within the scope of the scheme in recent years is as follows:

1985	3 000	1990	3 180
1986	2 718	1991	4 508
1987	3 709	1992	5 271
1988	3 032	1993	5 526
1989	2 716		

346. Since the inception of the scheme in 1963, an annual aggregate of 89 per cent of juveniles cautioned have not re-offended within their two-year supervisory period. There are currently 88 Juvenile Liaison Officers assigned to 38 major centres of population.

347. The Department of Justice recently announced the implementation of reforms to improve the effectiveness of the Juvenile Liaison Officer scheme and to ensure that this option is available for all suitable young offenders. A National Juvenile Liaison Office has been established to oversee the operation of this service throughout the State. The reporting and supervision arrangements for Juvenile Liaison Officers are being reformed with the Garda management at District Court level (generally Garda Superintendents) being given greater responsibilities in this area. There will also be a variation in the duration of the period of supervision by Juvenile Liaison Officers of their charges.

348. Examination of the issue showed that a more flexible approach was required in this area. In future, the approach will be more closely tailored to the needs of the young people concerned. Given the family situation of the young people involved in this scheme, the Garda Commissioner is of the view that there should be scope for members of the Juvenile Liaison Service to visit the young people under their supervision at a time when their parents are most likely to be available, i.e. in the evenings and at weekends. Juvenile Liaison Officers are now available to families at these times. Special training is also provided to Juvenile Liaison Officers.

349. Apart from fines, courts have available to them the option of imposing probation orders and, for 16- and 17-year-old offenders, community service orders. Consideration is currently being given to increasing the range of community-based sanctions and measures available to the courts.

Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings

350. No child can be deprived of his or her liberty except by an order of a court imposing a sentence of detention or imprisonment. Any arrest, detention or imprisonment of a child must be in conformity with the law. Article 40.4 of the Irish Constitution provides that a judge of the High Court must inquire into any complaint of unlawful detention and must order the release of the person unless satisfied that the detention is in accordance with the law.

351. The Department of Education has responsibility for the provision of residential accommodation for young male offenders up to 16 years of age and female offenders up to 17 years of age. This will be further dealt with under article 13.

Male inmates

352. Male offenders aged 16 to 21 years may be committed by the courts to Saint Patrick's Institution which is a place of detention for males in this age group. Males aged 17 years and over may also be sent by the courts to the committal prisons: Mountjoy, Cork, Limerick and Portlaoise. The Department of Justice also has responsibility for the operation of places of detention which include institutions such as Wheatfield and Shanganagh Castle (an open centre catering for male offenders in the 16-21 age group) which were set up under the Prisons Act 1970 as alternatives to prisons "for the purpose of the rehabilitation of offenders".

353. The Minister for Justice made regulations in August 1990 which made it possible to transfer to Wheatfield boys aged 15 years who have been sentenced to imprisonment, having been found by a court to be unruly or depraved. Wheatfield provides a much more suitable environment for these boys, who can be accommodated in close proximity to other youths in their mid- and late teens and kept away from older offenders to a greater extent than is possible in a prison such as Mountjoy. The regime and facilities in Wheatfield allow for more emphasis on education and work training for young offenders than other custodial institutions in the system.

Female inmates

354. The female prisons at Mountjoy and Limerick generally cater for females aged 17 and over. They can cater for under 17s only on committal by the courts and on certification that they are too unruly to be sent to a special school. A very small number of such offenders (two or three) are committed in any one year.

355. The physical accommodation for female offenders is very limited. There is no separate facility for housing young female offenders who have been certified as unruly and committed to prison. The practice is therefore to provide such persons with a single cell and to arrange, as far as is possible, for their recreation separately from the adult inmates. In the case of Mountjoy Female Prison, juvenile inmates are assigned upon committal a special prison officer who remains assigned to them until their release.

Imprisonment of pregnant women and mothers with babies

356. Under prison rules, when the mother of a baby is committed to prison, if the judge orders it, the child may accompany the mother if it is less than nine months old. In most cases imprisoned mothers do not wish to have their children with them and they are given every opportunity to make arrangements for the care of their child in the community.

357. When a pregnant woman is imprisoned, policy is that arrangements are made before her confinement for her to give birth in an external hospital. Where feasible, a pregnant prisoner is granted compassionate release under supervision during her confinement.

358. In practice the presence of children in the prisons is discouraged as the facilities available are not suitable for small children. All steps are taken to provide alternative care in the community for the children of prisoners. Prison policy is, at all times, to safeguard the welfare of the child.

Juveniles

359. Of the 2,317 persons in custody in institutions run by the Department of Justice on 13 June 1995, there were 2 persons in custody aged 15 years, 53 persons in custody aged 16 years and 95 persons in custody aged 17 years. (Of these, 2 persons aged 15 years, 2 persons aged 16 years and 7 persons aged 17 years were in custody in a prison.)

360. Offenders of either sex, if they have been certified unruly by the courts, may be committed to prison at the age of 15. Such young inmates are kept under special observation.

361. Educational facilities are provided for young offenders. They have the opportunity to follow the normal school curriculum and take the Department of Education examinations like any other young people. Inmates with special educational needs are also catered for. Vocational training is provided and some inmates take the City and Guilds examinations.

362. Narcotics awareness programmes for young inmates are run by the education units in conjunction with the Probation and Welfare Service.

363. The draft new Prison Rules state that "as far as practicable, prisoners under the age of 18 years may be accommodated separately from adult prisoners". The saver is necessary to provide for situations where, exceptionally, complete separation is either unavoidable or undesirable (e.g. a single prisoner would effectively be in solitary confinement if not allowed to mix with others). It is not possible, however, to guarantee that they would always be separate.

364. The existing Rules for the Government of Prisons, 1947 (rule 222 (2)) also provide that juveniles (i.e. prisoners under the age of 17 years) who have not been in prison before and who are well conducted in prison shall be kept separate from those who have been in prison before or who misbehave in

prison. Rule 224 also provides for the separation of juvenile offenders from adult offenders when taking exercise, receiving instruction and attending chapel.

365. Similar conditions apply to prisoners of all ages with regard to visits, letters and other communications. The existing arrangements for visiting are that in general each prisoner is entitled to at least one visit per week but, in practice, visits are allowed more frequently where circumstances permit. Visits in open centres are unsupervised and may be granted on demand. Phone calls are permitted exceptionally. Persons serving sentences are generally allowed to send two letters per week. Extra letters to family or a solicitor may be allowed on request. A prisoner awaiting trial may send out as many letters as he or she likes. There is no limit to the number of letters which may be received.

366. The juvenile justice system is at present governed in the main by the Children Act, 1908. The system is currently being reviewed with the intention of repealing the 1908 Act and replacing it with a comprehensive, modern statute which will deal with all aspects of juvenile justice.

The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment

367. No court in Ireland may pass a sentence of capital punishment. The death penalty was abolished by the Criminal Justice Act, 1990. Ireland has also ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights.

368. The possibility of early release exists for every person, of whatever age, sentenced to life imprisonment. The Minister for Justice may authorize the release of any prisoner prior to the completion of his or her sentence. In addition, all prisoners who have served seven years or more of a current sentence may, if they so wish, have their sentences reviewed by an independent Sentence Review Group. The Group advises the Minister on the administration of long sentences and may recommend early release. In the event that early release is not recommended, there is provision for subsequent reviews at regular intervals.

Physical and psychological recovery and social reintegration

369. In Ireland, the Departments of Education, Justice and Health liaise closely in the provision of support services targeted at children in conflict with the law.

370. The Department of Education has responsibility for the operation of five Young Offenders Centres which cater for the detention of young persons committed by the courts. Accommodation in these centres is comprised of short-term remand facilities and long-term detention facilities. The operation of the centres is governed by the provisions of the Children Act, 1908. The long-term facilities are certified by the Minister for Education and the remand facility by the Minister for Justice. The centres are funded by the Department of Education and operate under the overall control of the Department.

371. The primary role of the centres is to provide a programme of care and education aimed at rehabilitating those referred to them by the courts. Boys and girls up to 17 years of age on the date of admission are catered for.

Protection of young persons: children in situations of exploitation

Social Welfare provisions

372. Child income support is a key feature of the Government's commitment to families. The Government's Programme for a Government of Renewal contains a commitment to work towards a basic income system for children by systematic improvements in Child Benefit and the creation of a Child Benefit Supplement payable to all Social Welfare recipients and to low- and middle-income families.

373. The Expert Working Group on the Integration of the Tax and Social Welfare Systems was established in July 1993 by the then Minister of State at the Department of Social Welfare to examine ways of improving the interaction of the tax and Social Welfare systems with particular reference to its impact on people's incomes and its administrative and budgetary implications. Among the issues considered by the Group was income support for children, including the proposed Child Benefit Supplement. In its final report, published in June 1996, the Group concluded that some form of child income support should be included in any package of reform measures in order to address unemployment and poverty traps. The Government has asked the Ministers for Finance and Social Welfare to bring forward proposals for implementation of the Group's recommendations. The most appropriate structure for reform of child income support is being examined in this context.

374. A Child Benefit Review Committee was set up in late 1994 by the then Minister for Social Welfare to cost and review proposals for improvements in Child Benefit. As a direct result of the recommendations of this Committee, the rates of Child Benefit were increased by an unprecedented one third in the 1995 budget and age limits for receipt were extended. Rates were also increased in the 1996 budget.

375. Other measures introduced in 1996 which improve the position in relation to family income support were the increase of the grant payable on the birth of twins from £200 to £500 and the introduction of a new grant of £500 to be payable in respect of twins reaching ages 4 and 12 on or after 1 January 1996, in recognition of the substantial extra costs which arise for parents of twins at birth and at relevant ages.

Orphan's payments

376. Orphan's Contributory Allowance is payable where the child's parents are both dead or one has died and the other is unknown or the surviving parent has refused/failed to provide for the child and the insurance contributions are satisfied. Orphan's Non-Contributory Pension may be paid for a child who is not entitled to an Orphan's Contributory Allowance. The latter is means tested.

Children as employees

377. The Protection of Young Persons (Employment) Act, 1977 provides legislative protection for young workers under the age of 18 years. It contains provisions concerning the minimum age for entry into employment, sets limits to the working hours of young people, provides for rest intervals and places restrictions on night work. It also requires employers to keep records of the ages and working times of employees under 18 years of age.

378. The employment of children under the school-leaving age, which is presently 15 years, is generally prohibited. However, a child over 14 years but under the school-leaving age may be permitted to do light non-industrial work during school holidays, provided that it is not harmful to the child's health or normal development and does not interfere with his or her schooling. Such children may not be employed during school term, with the exception of second-level students participating in work experience or other similar educational courses arranged or approved by the Minister for Education.

379. The protection of Young Persons (Employment) Act, 1977 allows the Minister for Enterprise and Employment to grant exemptions from provisions of the Act by way of licence. A licence was issued in June 1994 permitting the employment of children in the film production industry, subject to very stringent conditions, including restrictions on hours of attendance, rehearsal and performance. The licence also provides specific conditions on chaperones and safety, health and welfare conditions.

380. The working hours of a child under 15 years during school holidays shall not exceed 7 hours in any day, 35 hours in any week. During school summer holidays, he or she must not do any work for one full period of 14 days. The employment of children under school-leaving age is prohibited for a period of 14 consecutive hours at night including the interval between 8 p.m. and 8 a.m.

381. Young persons between the ages of 15 and 18 years are not permitted to work for a period of 12 consecutive hours at night including the period between 10 p.m. on one day and 6 a.m. on the following day. Such persons employed on industrial work must not be employed between the hours of 8 p.m. on one day and 8 a.m. on the following day.

382. Young persons under 18 years of age are entitled to 30-minute rest intervals which, in the case of an employee who is aged between 15 years and 18 years, must be given after 5 hours' work and, in the case of those under 15 years, must be given after 4 hours' work. A rest period of 30 minutes must also be provided before any period of overtime in excess of 1½ hours is worked.

383. Before an employer employs anyone under 18 years, he or she must first require the production of that person's birth certificate. In addition, before employing a child aged 14 to 15 years, written permission must be obtained by the employer from the child's parent or guardian.

384. The Intoxicating Liquor Act, 1988 provides that, in general, young persons under 18 years of age may not be employed in any premises licensed for

the sale of intoxicating liquor. The only exceptions are close relations of the licence holder and apprentices, where they reside with the licence holder and are not under 16 years of age.

385. Compliance with the Protection of Young Persons (Employment) Act, 1977 is supervised by the Labour Inspectorate and any breaches of the legislation are punishable by fines.

386. Proceedings in relation to an offence under the Act may be brought by the Minister for Enterprise and Employment, by the trade union concerned or by the employee's parent or guardian.

387. The Safety, Health and Welfare at Work Act, 1989 imposes a general duty of care on employers in relation to all employees. The provisions of the 1989 Act are amplified by the Safety, Health and Welfare at Work (General Application) Regulations, 1993. The 1993 Regulations also impose a particular duty on employers to ensure that particularly sensitive risk groups of employees, which would include children, are protected against any dangers which specifically affect them.

388. The statutory provisions governing the protection of young persons in employment are currently being reviewed in the context of the need for implementation of an EU Directive on the Protection of Young People at Work. While the Directive is in many respects similar to the existing Protection of Young Persons (Employment) Act, 1977 there are some differences which will be required to be enshrined in the new laws giving effect to the terms of the Directive. One of the principal differences is that the Directive imposes some specific health and safety responsibilities on the employers of young persons. Under the Directive, employers are required to carry out risk assessments in relation to young persons in the workplace and young persons are prohibited from workplaces which have specific risks. These obligations are more specific than the current obligations under the Safety, Health and Welfare at Work Act, 1989. Regulations in respect of these obligations are being prepared under the 1989 Act and are expected to be introduced in the latter part of 1996.

389. In giving effect to the terms of the Directive, there will be widespread consultation with the various interested parties in advance of the June 1996 deadline for implementation of the Directive.

Protection of Young Persons (Employment) Act, 1996

390. The Protection of Young Persons (Employment) Act, 1996 is expected to enter into force in October 1996. From that date, it will repeal the current legislation in this area, the Protection of Young Persons (Employment) Act, 1977, and it will give effect to EU Council Directive 94/33/EC on the protection of young people at work.

391. The 1996 Act will effect a number of changes in the law governing the employment of young persons in Ireland. The minimum legal full-time working age will be revised from 15 to 16 and the Act also introduces a new measure which allows young workers and their parents to make a complaint to the Rights Commissioner and the Employment Appeals Tribunal in certain circumstances.

The Act, however, allows children to be employed in certain specified activities, such as films and sport, by regulation (over 13 years) or individual licence (under 13 years).

392. Under the 1996 Act children over 14 may undertake light work outside of the school term (although a period of 21 days must be left free from work) up to a maximum of 7 hours per day and 35 hours per week. Such children who are full-time students may work up to 8 hours a day or 40 hours a week as part of a work experience or educational programme. Children aged 15 may be employed to do a maximum of 8 hours light work per week during the school term. All children are subject to a prohibition on night work between the hours of 8 p.m. and 8 a.m. on the following day.

393. Under the 1996 Act young persons may work a maximum of 8 hours per day or 40 hours per week. Young persons may not work at night between 10 p.m. on any one day and 6 a.m. on the next day. The Minister may, by regulation or by licence, permit the employment of young persons on terms other than those specified in the Act, and may include in the regulations or attach to the licence such conditions as the Minister sees fit. Before granting such a licence, the Minister must consult such representatives of employers and representatives of employees as he or she considers appropriate.

Drug misuse

394. The Government published a comprehensive strategy in 1991 which is designed to protect all persons, including children, from the dangers of drug misuse. The strategy recognizes that the problem of drug misuse is a complex and difficult one. It proposes a multidisciplinary approach requiring action in the areas of supply reduction, demand reduction and increased access to treatment and rehabilitation programmes, together with coordination mechanisms geared towards their effective implementation. The strategy, while recognizing the validity of a multiplicity of treatment and prevention programmes, advocates a drug-free lifestyle as the ideal. It also recognizes, however, that various drug treatment options are required to deal with the needs of individual drug abusers. Such options include methadone maintenance, needle exchange, detoxification and rehabilitation.

395. There is no accurate figure available of the number of drug misusers in Ireland. A report produced recently by the Health Research Board indicated that, in 1993, an estimated 2,573 people received treatment for drug misuse in the greater Dublin area. It must be emphasized that this is an estimate of the number of people receiving treatment rather than the number of people misusing drugs. It is accepted that the number of drug misusers is greatly in excess of this figure.

396. The main points of the report included the following:

(a) Three quarters of the clients were male;

(b) One per cent of clients were under 15 years of age and 30 per cent were between the ages of 15 and 20 years;

(c) Eight out of ten were unemployed;

(d) Almost 4 out of 10 had left school before the official school leaving age of 15.

397. Since 1992 special funding has been allocated each year to allow for the development of extensive prevention and treatment services in the Dublin area, where the majority of drug misusers reside. Support to families of young drug misusers is provided in each regional Health Board through the Community Addiction Service. Funding is also provided to a number of voluntary agencies which provide family counselling, advice and support. These include Coolmine Therapeutic Community, Mater Dei Counselling Centre, Community Awareness of Drugs and the Talbot Centre.

398. Outside of Dublin, misuse of drugs is on a lesser scale and there is no evidence to suggest that intravenous drug misuse constitutes a serious problem. Those who do present for treatment do so because of problems with poly-substance abuse, i.e. involving alcohol with cannabis, ecstasy and benzodiazepine. Each Health Board closely monitors the situation in order to be in a position to deal quickly with problems as they arise.

399. The publication in 1992 of the recommendations of the National AIDS Strategy Committee has had a major impact on drugs policy, given the close connection between HIV/AIDS and intravenous drug misuse. At present, 57 per cent of all known HIV-positive cases in Ireland are drug-misuse related and the emphasis has been on putting in place a comprehensive treatment network for drug misusers.

400. Since 1992, special funding has been allocated to allow for the development of extensive prevention and treatment services by the statutory agencies working in close collaboration with voluntary agencies.

401. The ultimate objective of the treatment and rehabilitation programmes is a drug-free lifestyle. It is acknowledged, however, that this is not always an option for many drug misusers, at least in the initial stages of treatment, and consequently it has been necessary to introduce methadone maintenance programmes in community-based satellite clinics as a means of stabilizing the behaviour of drug misusers and preventing HIV through sharing contaminated needles.

402. The development of satellite clinics was recommended by the National AIDS Strategy Committee (1992) as a means of providing primary care services to drug users. These services are designed to prevent HIV-negative drug users from contracting the disease and HIV-positive drug users from transmitting HIV to others. Other services provided by the clinics include counselling, risk reduction (needle exchange, free condoms, etc.) and HIV testing.

403. Section 74 of the Child Care Act, 1991, which was implemented in December 1991, makes it an offence to sell solvent-based products to children where it is known or suspected that they will be misused. It also gives a Garda power to seize any substance in the possession of a child in a public place which the Garda has reasonable cause to believe is being misused by that child in a manner likely to cause him or her to be intoxicated. See paragraph 287.

Drug misuse prevention

404. The Government Strategy to Prevent Drug Misuse recommended the establishment of a number of prevention programmes, both in the public sector and the voluntary sector. A substance abuse prevention programme is available to all second-level schools and training in drug- and solvent-abuse prevention is offered to youth leaders and trainers. Financial support has also been given to a number of voluntary groups working with young people in disadvantaged areas to discourage involvement in drug taking.

405. A special programme has been developed for use with parents, helping them to deal with the problems of adolescence and drug misuse.

406. Ireland also participates in European Drug Prevention Week (EDPW) which took place in 1992 and 1994, where the focus was on the prevention of drug misuse among young people. A comprehensive evaluation of the Week is being conducted by the EU to determine when the next EDPW will take place.

Role of the Gardaí in reducing the demand for drugs in the case of young people under 18 years of age

407. Juvenile Diversion Programme. The Gardaí have introduced a programme which includes, *inter alia*, assistance and referral by Garda Juvenile Liaison Officers of young offenders involved in drugs. Their aim is to prevent young people becoming involved in a downward spiral of drugs and crime and steer them away towards rehabilitation and treatment if necessary.

408. Drugs Awareness Programme. In addition to tackling the supply side of the drugs problem the Gardaí have also concentrated on reducing the demand for drugs by the introduction of a Drugs Awareness Programme. This programme involves local Gardaí giving talks and advice to various groups and communities throughout the country.

409. Garda Schools Programme. Since 1990 the Gardaí have been giving a series of talks and lectures on drugs in secondary schools in which advice is given on the types of drugs to watch out for, the danger of drugs and how they can destroy lives.

410. Garda Mobile Anti-drugs Unit. The Unit was launched as part of the EDPW in 1994 and has travelled the country to promote a drug-free lifestyle among young people in particular. It is used at major public events and concerts frequented by young people.

Sexual exploitation and sexual abuse

411. It is an offence for a man to have sexual intercourse with a female under 17 years unless he is married to her. It is an offence for a man to take part in a homosexual act with a male under 17 years. Soliciting or importuning a person under 17 years for the purposes of committing any of these acts is also an offence. In addition, consent is no defence to a charge of sexual assault on a person, male or female, under 15 years.

412. In addition to the general prohibition on sexual relations with under-age persons, there are comprehensive sanctions against the exploitation of persons through the organization of prostitution.

413. The use of a child in pornographic performances or materials may constitute an offence at common law. In addition, while legislation on pornography is not specifically designed to deal with the protection of children from sexual abuse or exploitation by being portrayed in pornographic performances or material, it does provide mechanisms for the censorship of films and video works (and also written publications) which may be considered unsuitable for general circulation in the State by reason of indecency or obscenity.

Children in situations of emergency

Refugee children

414. Ireland is a party to the 1951 Convention relating to the Status of Refugees and to the 1967 Protocol to the Convention. Administrative proceedings agreed with UNHCR for processing applications for refugee status do not discriminate against children. Children are treated equally in terms of the examination of their asylum claims and in terms of the rights they can enjoy if granted refugee status, subject to national provisions which apply generally to children. Ireland has not experienced the problem of unaccompanied children seeking asylum to any real extent.

415. Procedures to deal with applications for recognition of refugee status from unaccompanied children have been provided for in the Refugee Act, 1996. The rights of refugees who are recognized under the 1951 Convention and the rights of people included in the refugee resettlement programmes operated by the Government are also dealt with in that Act. In general, such refugees, including children where appropriate, enjoy the same rights as Irish citizens in the same circumstances. All refugees may reside in the State, enter employment, carry on a business, have access to education, receive medical care and social welfare benefits and travel freely to and from the State. The implementation of the Act will further guarantee the equal treatment of applicants, regardless of age.

416. Asylum seekers have tended to be adult males in the age bracket 21-35: the question of children asylum seekers arises in very few cases and mainly only as part of a family seeking asylum rather than as unaccompanied applicants. Persons seeking asylum in this country generally arrive spontaneously. They arrive seeking refuge on the basis that they are fleeing from persecution in their home countries. Until 1993 the numbers seeking asylum in the country were relatively small - usually less than 50 per annum. As set out below, this has begun to change somewhat over the past couple of years with more asylum-seeking families arriving. It must be stressed that the numbers of children admitted are based on the numbers arriving. As Ireland is in a peripheral position on the edge of Europe with somewhat limited access routes, this figure may be lower than for comparative countries.

Year	1991	1992	1993	1994	1995
Number of asylum seekers	31	39	91	355	424
Number of children	n/a	n/a	n/a	25	35

Programme refugees

417. As outlined in paragraphs 419-421 below, the Government operate two ongoing programmes for refugee resettlement in Ireland for groups of people from conflict areas. At present these programmes focus on Bosnian and Vietnamese people and operate in close cooperation with UNHCR.

418. Requests for admission of unaccompanied children from emergency and conflict situations are rare and policy in such cases is guided by UNHCR principles, outlined in the UNHCR 1994 publication, Refugee Children: Guidelines on Protection and Care and involves close cooperation with UNHCR. In recognition of the special needs of children in situations of emergency, every effort is made to ensure that unaccompanied children are reunited with their parents and relatives as promptly as possible.

419. Since 1993 the Government has responded positively to the UNHCR appeal for treatment centres for seriously injured Bosnians from the cities of Sarajevo and Tuzla. Five medical evacuations of injured groups from Sarajevo and Tuzla have taken place. To date, a total of 55 medical evacuees are receiving treatment in Ireland, of whom 2 are children. Furthermore, the Government has substantially increased funding in the last two years for emergency assistance to victims of emergency conflict and natural disasters.

420. The Irish Government is committed to meeting the highest possible international standards with regard to the treatment of refugees. Ireland operates two ongoing resettlement programmes. These programmes allow for the admission to Ireland of persons who have fled their country of origin or normal residence because their lives, freedom or safety are threatened by violence or conflict. The decision to admit groups from conflict situations is taken by the Government on the advice of the Minister for Foreign Affairs. All Government decisions on the admission of such groups place particular importance on family reunification.

421. In recognition of the special needs which children have for a stable family environment, every effort is made to ensure that unaccompanied minors are reunited with their parents and relatives as quickly as possible.

422. There is also close cooperation between the Irish authorities and UNHCR, which would extend to efforts to locate the parents of any refugee child were such a case to arise. If the parents could not be located, the child would be treated in all respects like any Irish child who is deprived of his or her family environment. Furthermore, the Irish Government recognize that it is implicit in any decision to admit a group of refugees that provision be made at a later stage to enable certain relatives to join them.

423. The Refugee Agency was established in 1991 and has the task of coordinating arrangements for the resettlement of groups of refugees who are admitted to Ireland under government decision. The Agency operates under the aegis of the Department of Foreign Affairs and is administered by a board which comprises representatives of government departments involved in issues related to refugee welfare and status (e.g. Justice, Social Welfare, Health, Education, and Enterprise and Employment). The board also includes representatives of the voluntary sector and UNHCR. The Agency resettles refugees into privately rented accommodation and particular care is taken to preserve the integrity of families.

424. The children of asylum seekers usually attend local schools and no particular difficulties exist as regards their schooling. Voluntary groups, such as the Irish Refugee Council, would also provide assistance in this area, e.g. by way of provision of language classes.

Children in armed conflicts, including physical and psychological recovery and social reintegration

425. The minimum ages of recruitment to the Defence Forces are 15 years for the Army School of Music, 16 years for apprentices and 17 years for all other entry categories, including the Air Corps and the Naval Service. There is no difference in the minimum ages of recruitment to the Defence Forces in times of emergency or conflict. However, persons under the age of 17 years can be recruited for specialist positions and must then undergo courses of specialist training. It is highly unlikely that such persons would be involved in operational situations.

426. Children will have the status of protected persons in accordance with article 4 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War. In addition, the provisions of articles 24, 25, 26 and 27 are designed to afford considerable protection to children in times of war. The Defence Forces are bound by the provisions of the Geneva Convention.

ARTICLE 11

Right to an adequate standard of living

General information on the current standard of living of the population

427. The comprehensive range of social welfare schemes described under article 9 ensures that, with minor exceptions, everyone without access to sufficient resources can get some form of assistance from the State, either through a specific scheme (such as Non-Contributory Old-Age Pension) or under the Supplementary Welfare Allowance scheme. The legislation governing the latter scheme is set out in the Social Welfare (Consolidation) Act, 1993. Section 171 of that Act states that: "Subject to this Act, every person in the State whose means are insufficient to meet his needs and the needs of any adult or child dependant of his shall be entitled to supplementary welfare allowance."

428. Those excluded are:

(a) People in full-time education (there are separate arrangements for grants for full-time students);

(b) People in full-time employment, unless their earning power is reduced by reason of physical or mental disability. (There is, however, a separate scheme - Family Income Supplement, which provides financial assistance to low-paid workers with children.);

(c) People engaged in trade disputes. (Provision is made, however, for the payment of Supplementary Welfare Allowance to such persons in respect of their dependent spouse and children.)

429. Those whose health and family circumstances permit are required to register for employment before claiming the allowance.

430. In recent years, there has been some concern at the adequacy of Social Welfare payment levels for certain family types. Research published in 1989 showed that certain groups of people on Social Welfare payments, in particular long-term unemployed people with children, faced a particularly high risk of poverty. Since then, a policy of giving special increases in these payments, over and above the level of increase indicated by the Consumer Price Index, has been adopted. For example, the long-term rate of unemployment assistance for a family with four children increased by 21 per cent between mid-1989 and mid-1992, while the Supplementary Welfare Allowance rate for the same size of family increased by 26 per cent. This compares with an increase of 9.5 per cent in the cost of living over the same period.

431. In 1983, a Commission on Social Welfare was established to review and report on the social welfare system and related social services and to make recommendations for their development having regard to the needs of modern Irish society. The report of the Commission was published in 1986. Among the recommendations identified as requiring priority attention were:

(a) The Basic Payment: a significant step should be taken immediately to bring the most inadequate Social Welfare payments within reach of the target levels recommended in the report;

(b) Families: that the Commission's recommendations for improved child income support should be implemented as the first step towards the reformed social welfare system.

Basic Payment

432. The report recommended that Social Welfare payments should be set at a level that ensures a minimally adequate standard of living relative to incomes and living standards generally. The target rate set for Social Welfare payments for one person in 1996, updated from 1986, is £68.10 per week. Improvements in the 1996 budget brought more groups up to that target rate; recipients of Old-Age and Retirement Contributory Pensions are well ahead of the target rate; widows, widowers and deserted wives have, for the first time, reached the target rate; carers and invalidity pensioners are now

at 99 per cent and 97 per cent of the rate respectively; and all other groups are either at 92 per cent or 95 per cent of the target rate. Considerable progress has been made in bringing Social Welfare payments up to the target rate, when it is taken into account that in 1985, some groups were only at 64 per cent and 66 per cent of the target rates.

Families

433. See response under article 10.

Combat Poverty Agency

434. Established in 1986 by statute, the Combat Poverty Agency is an agency under the aegis of the Department of Social Welfare. The Agency has four main functions:

(a) To advise the Minister on poverty-related issues;

(b) The initiation of pilot anti-poverty projects;

(c) The carrying out of poverty-related research;

(d) The provision of information and education on poverty.

435. The Agency is acting as a key advisor to the Inter-Departmental Policy Committee which is developing the National Anti-Poverty Strategy.

436. An independent review of the Agency has recently been completed. The review found that the Agency had established itself as an important centre of expertise in terms of anti-poverty policy development. The review sets out the future strategic direction for the Agency and its recommendations are currently being implemented.

National anti-poverty strategy

437. At the World Summit for Social Development in Copenhagen in 1995, a programme of action was agreed geared to a substantial reduction of overall poverty and inequalities everywhere. In response, the Irish Government established a high-level committee composed of representatives of government departments and national agencies to develop a strategy for implementing the commitment. The Inter-Departmental Committee has been charged with preparing a report which will form part of the national report for the United Nations to be completed before the end of 1996.

438. The strategy has to date involved:

(a) The preparation of a statement setting out the nature and extent of poverty and social exclusion in Ireland and the evaluation of submissions from the voluntary and community sector, the social partners and other interested bodies and individuals;

(b) The selection of key issues/policy areas which must be addressed if poverty and social exclusion are to be tackled;

(c) The type of institutional mechanisms to be put in place to ensure that the issue of reducing poverty and social exclusion is firmly on the agenda of all government departments and agencies and that there is appropriate coordination across and between departments in this area.

439. The next steps in this process will involve:

(a) The use of the Strategic Management Initiative currently under way in the public service to reflect the Government's commitment to an anti-poverty strategy;

(b) Specifically including the people directly affected by poverty in these processes of policy formation and implementation through consultation with the voluntary and community sector;

(c) Finalization of a report to the United Nations setting out progress to date and a strategy for the future.

Future developments

440. The Economic and Social Research Institute (ESRI) carried out a Survey of Income Distribution, Poverty and Usage of State Services in 1987 which served as a comprehensive and up-to-date database for the analysis of not only poverty and the Social Welfare system, but also other areas of public policy, notably the tax system and State-provided services such as health and education. A further survey, entitled the 1994 Living in Ireland Survey, has been undertaken by ESRI. The survey, which shows the extent and nature of poverty in Ireland in 1994, will form the basis for a new ESRI study due to come out in late 1996. This study will update and extend the research carried out in 1987 and will show how the extent of poverty has changed since then.

441. ESRI has been asked by the Government to carry out a review of the minimum adequate income rates recommended by the Commission on Social Welfare. The review is expected to be completed shortly to coincide with the tenth anniversary of the publication in 1986 of the report of the Commission on Social Welfare. The ESRI study will take account of a number of other key reports, such as that of the Expert Working Group on the Integration of Tax and Social Welfare, and will form the basis for the formulation of proposals for improvements in the social welfare system in the years ahead.

The right to adequate food

General agriculture sector

442. Although the relative importance of agriculture has continued to decline over the past 20 years or so, it is still one of the most important indigenous industries in the country, and the agri-food sector remains Ireland's largest single industry. There are approximately 154,000 farms in the country with an average farm size of 26 hectares, and the vast majority of these are owned and operated by farming families. It is estimated that agriculture presently accounts for just over 8 per cent of GDP, while agriculture and food together are estimated to account for about 15 per cent of GDP.

443. In terms of employment, although employment in the sector is on a long-term downward curve, agriculture accounted for just under 14 per cent of total employment in 1994. The decline reflects the nature of development in the Irish economy, greater mechanization on Irish farms and, in particular, a significant drop in the numbers of small uneconomic marginal holdings in the western region. Employment rises to almost 18 per cent when those employed in the food sector are included. The agricultural sector generates further employment, production and wealth in the economy through backward and forward linkages in terms of value-added to primary producers in the processing sectors and those who supply agricultural services and inputs.

444. Over half the value of agricultural production is exported, although for dairy and beef products this figure rises to 70 per cent and 80 per cent respectively. The proportion of agricultural output undergoing processing before export has increased significantly and is continuing to increase. For example, live exports of cattle now account for approximately 14 per cent of cattle and beef exports, compared to over 60 per cent in the mid-1960s.

445. With mild temperatures and relatively high rainfall, conditions are ideally suited to stock-raising, with the result that livestock husbandry dominates agricultural production. In 1995, there were over 7.1 million cattle in the country including over 2.3 million cows. Almost 90 per cent of the value of gross output is accounted for by livestock and livestock products, with 71 per cent being accounted for by beef and milk. Pigs, sheep and poultry account for the remainder. Conditions are also suitable for crop production with barley, wheat, sugar beet and potatoes representing important sources of farm income.

Overview of the extent to which the right to adequate food has been realized

446. National Food Consumption data provide information on general food trends in the Irish population. In 1990, the findings of a major National Nutrition Survey, carried out by the Irish Nutrition and Dietetic Institute (NNS 1990), were published and provide the most comprehensive quantitative data on food and nutrient intake. The Survey covered a sample 1,200 of the population from eight years upwards. Several other micro-surveys have contributed towards our knowledge of the Irish diet.

447. In general, the results of these surveys indicate that the Irish population is reasonably well nourished and that intakes of most micro-nutrients were in line with the Recommended Dietary Allowances. However, improvements could be made regarding high saturated fat consumption, low fibre intake, relatively low iron intake, relatively low intake of calcium in young girls and fruit and vegetable consumption.

Food consumption trends over time

448. During the period between 1974 and 1990 Irish food consumption patterns changed. Total meat intake remained static with a steady fall in beef and mutton intake counterbalanced by a rise in pork/bacon and poultry. Fish intake rose slightly although consumption was still low compared with other European countries. Consumption of low-fat milk rose but full-fat milk remained the milk of choice for the majority of the population. Cheese and

yogurt consumption fell significantly. Edible fat consumption fell slightly, mainly through a drop in butter consumption, but had been counterbalanced by a steady rise in the use of dairy spreads since their introduction. Fruit consumption rose though vegetable consumption experienced a drop from 1988. Potato consumption remained stable with a steady rise in the proportion used for processing. Sugar consumption remained stable.

449. On the basis of available data on the nutritional status of the Irish population, the Health Promotion Unit issued the following nutrition guidelines:

> Eat a variety of different foods using the Food Pyramid as a guide;
>
> Eat the right amount of food to be a healthy weight and exercise regularly;
>
> Eat four or more portions of fruit and vegetables every day;
>
> Eat more foods rich in starch - bread, cereals, potatoes, pasta and rice;
>
> Eat more foods rich in fibre - bread and cereals (especially wholemeal, wholegrain or bran types), potatoes, fruit and vegetables;
>
> If you drink or eat snacks containing sugar, limit the number of times you take them throughout the day;
>
> Enjoy your food. Choose fresh foods as much as possible. Try not to rely on salt to flavour foods;
>
> If you drink alcohol, drink sensibly and preferably with meals.

Nutritional surveillance

450. For the successful implementation and monitoring of food and health policy, accurate, reliable and timely information is required for the detection, control and prevention of nutrition-related public health problems. The Department of Health has developed a nutritional surveillance system to meet this requirement, and this system has been in operation since 1984. Surveillance is accomplished by observing, analysing and reporting regularly on a wide range of variables which form the core database and are derived from statistics on national food production/supply, household budget surveys, food prices, morbidity and mortality rates, data on infant feeding practices and birth weight, and height and weight measurements for schoolchildren and adults.

451. The first nutrition surveillance unit in Ireland was set up in Trinity College Dublin in the mid-1980s with support from the Department of Health. Two reports were published by the unit on the nutritional status of the Irish population (Kelly, Kevany 1984; Kelly 1985).

452. The National Nutrition Surveillance Centre was established by the Department of Health in 1992 in the Department of Health Promotion in University College Galway. It is a centralized source of information with information, monitoring and research functions.

453. The annual reports of the National Nutrition Surveillance Centre provide a review of available data on nutrition-related diseases in Ireland, as well as on food production, supply and consumption.

Nutrition amongst disadvantaged or vulnerable groups

Nutrition in low-income groups

454. Several studies have been undertaken to research the nutritional status of low-income groups and have identified nutritional problems among a broad range of groups. Again, some inadequacies are common to both the diet of low-income groups and that of the general population. High fat and low fibre intakes have been identified in all population groups and are particularly evident in low-income groups. However, several further inadequacies have been identified among lower income groups:

(a) The rate of breastfeeding is particularly low;

(b) Weaning practices are poorer;

(c) Among pre-school children iron and vitamin C intakes may be a problem;

(d) Iron and vitamin C intakes may be low among lower income women;

(e) Diets of low-income groups, in particular Traveller families, are characterized by very little variety;

(f) Lone parents, adolescents and pre-school children are particularly vulnerable. For adolescents, increased energy requirements place an added burden on the family finances;

(g) Fat intakes have been found to be higher than the national average (already high) in some studies. Those with a high fat intake can be characterized by a high intake of spreadable fats and confectionery or pastries;

(h) Calcium intakes are low among teenage girls.

(Lee and Gibney, 1990; Lee, 1990; Lee and Cunningham, 1990).

Changes in national policies, laws and practices affecting access to adequate food

455. Overall policy in the agricultural sector is governed by the Common Agricultural Policy framework. In 1992 the Community embarked on radical reform, aimed at adjusting production and expenditure in response to market imbalance and budgetary pressures. In essence, the reform involved a shift

from price support towards direct payments to farmers, to compensate for price reductions and production restrictions. The outcome of the reform process has resulted in a fall in production and the virtual elimination of stocks held in intervention. Over the period of the reform farmers' income has increased and by 1995 the aggregate income of the sector exceeded £2 billion for the first time ever. Direct payments have made an important contribution to income growth over the period so that by 1995 they accounted for over a third of income.

Rural development

456. In the context of ensuring adequate standards of living, the aim of rural development in Ireland is to preserve and strengthen the rural community, to improve the quality of life and to cultivate a sense of identity among the rural population. Towards this end it is necessary to provide greater job opportunities, especially for young people, and to diversify the rural economy so as to increase incomes and provide people with a real choice as to whether or not they want to continue to live in a rural area. Given the significant rural proportion of Irish society, it is necessary to view rural development as an integral part of the general economic and social development of Ireland. The action taken to remedy the structural weaknesses of the economy as a whole, and the steps taken to create the sort of environment which encourages productive investment, are the basis on which successful rural development initiatives can be founded. Accordingly, the intention is to use to the full the financial resources available to Ireland under the EU's Community Support Framework to alleviate the handicaps from which rural areas suffer and ensure as far as possible that the rural population is not at a disadvantage compared to people living in the cities and larger towns. This means that there are a number of strands in the overall approach to rural development, of which the current principal one is LEADER.

457. LEADER is the EU's own initiative on rural development. Its purpose is to encourage groups in local rural communities that are sufficiently well organized and possess the necessary ability and resources to draw up and implement integrated plans for the development of their own areas. Plans involve the following activities: technical support to rural development; animation and capacity-building; vocational training and assistance for recruitment; rural tourism; small firms, craft enterprises and local services; exploitation and marketing of local agricultural, forestry and fishery products; promotion and improvement of the environment and living conditions; administration of the group.

458. While the LEADER groups are provided with funds, the detailed implementation of their business plans, including decisions on projects to be undertaken, is the responsibility of the groups themselves.

459. LEADER I concluded at the end of 1994. The Operational Programme for the implementation of LEADER II in Ireland was approved by the European Commission on 29 March 1995. The LEADER II Initiative, which will operate in the period 1995-1999, applies in all rural areas. Public funding of £77 million is being provided for the Programme of which £54 million are being contributed by the EU and £23 million by the Exchequer.

Thirty-six groups were selected by the Government in May 1995 to implement the Programme. Most of these groups are now in the initial stages of implementing their plans.

Measures undertaken to guarantee access to adequate food for vulnerable or disadvantaged groups

Financial support

460. Allowances to help people provide for special diets are available from the Department of Social Welfare (see above).

Health promotion specifically for socially disadvantaged groups

461. The Health Promotion Unit produces literature specifically targeted at people on lower incomes. To date these publications have included "Be a healthy weight on a budget" and "Eat more for less with bread, cereals and potatoes".

462. Often the groups most in need of nutrition education are difficult to access. Low levels of self-esteem, limited exposure to conventional means of health education and low levels of literacy can make health promotion among lower socio-economic groups difficult.

463. Peer-led education has proved a very successful method of education in three Health Board ventures currently running in socially disadvantaged areas of Dublin: Food and Health, Community Mothers and the Primary Health Care Project for Travellers. These projects target lower-income mothers. Targeting mothers is particularly appropriate for a nutrition intervention project as previous experience indicates that women are more likely to be receptive to this type of intervention than other groups. Despite considerable changes in the role of women in Irish society in recent years, women are still pivotal in determining the diet of their spouses and children. As housewives and mothers they carry out most of the purchasing and cooking of food and are thus ideally placed to influence the nutrition of their family.

Food and health

464. The Food and Health Project, established in 1993 and based in a lower socio-economic area of north-west Dublin, is supported by the Health Promotion Unit, the Eastern Health Board and a local community development project. Thirteen local women have been trained in healthy eating promotion and facilitation skills. Each trainer runs Food and Health courses for local women in their community. The Food and Health course lasts for 10 weeks and covers all aspects of healthy eating. A community development approach is used with participants engaging in group work, games and practical skills development to explore topics around healthy eating so that the experiences of each participant contributes to the learning process.

465. A recent evaluation of the project showed that the peer-led method used, and the information provided, promoted positive dietary change, an increased level of knowledge and positive attitudes towards healthy eating among those who participated.

466. The Community Mothers Programme has been running in disadvantaged areas of Dublin for over 13 years. Again, a peer-led approach is used with trained local mothers visiting new mothers for the first year of the infant's life. Initially developed as an off-shoot of the British professionally led scheme developed by Dr. W. Barker, the programme now involves 160 community mothers visiting over 800 families a year.

467. A recent evaluation of the Programme carried out by the Eastern Health Board medical staff has shown that the empowerment approach used by the Community Mothers Programme to promote parenting skills is sound, practical and effective and proves that the Programme can be delivered by non-professionals, themselves living in disadvantaged areas.

468. The Primary Health Care Project for Travellers is a recent development and is a novel approach to the health needs of the Traveller community. The project employs Traveller women as community workers. To access the health needs of the Traveller community these community workers carried out a baseline survey using the writing skills of settled workers (called "scribes") to overcome literacy problems. From the results of this baseline survey, programmes will be designed in conjunction with the community workers appropriate to the health needs of the Travellers.

Further directions

469. A new project is under way to network with other groups working with low-income groups and develop a model of best practice. Some objectives of this project are:

(a) Expansion of the Food and Health Project to other disadvantaged areas;

(b) Liaise with the employment and skills training agency FÁS regarding nutrition education of trainees;

(c) Linking in with other community projects, building on the links developed in National Healthy Eating Week;

(d) Reviewing the local authority school lunches scheme.

Nutrition Health Promotion Framework for Action

470. The Health Promotion Unit developed a five-year Nutrition Health Promotion Action Plan in 1991, which sets out a series of measures which will be implemented to improve the nutritional status of the Irish population. This is called "Nutrition Health Promotion - Framework for Action". The implementation strategies concern the education of the public, including disadvantaged groups, young people and the elderly, availability of healthy food and the use of existing organizations and personnel in nutrition health promotion. A summary of the Framework for Action on Healthy Eating is presented below.

Summary of Framework for Action on Healthy Eating

Target audience	Areas for action
Community	Nutrition awareness and eating behaviour programme Primary health care nutrition conference Establishment of community dietitian posts Healthy eating week
Schools	Schools nutrition programme pilot-test Schools nutrition information campaign Schools information on healthy meal choices
Industry/workplace	Workplace healthy eating materials Workplace nutrition education programmes
Population subgroups	Low-income groups nutrition programme Local authority school lunches programme Nutrition information campaign for the elderly Infants and young children nutrition education materials
Food industry	Food producers and processors nutrition conference Retail outlets healthy food choice aware scheme Restaurant and hotel healthy eating campaign Food labelling education programme
Networking with other organizations	Joint nutrition education programmes with organizations such as the Irish Heart Foundation, Irish Cancer Society and Irish Hyperlipidaemia Association Dissemination of nutrition education materials via professional groups Networking with groups such as the Irish Countrywomen's Association Partnerships with the food industry Media nutrition briefings and conferences.

Food Safety Advisory Board

471. A Food Safety Advisory Board has been established by the Minister for Health with a broad remit, encompassing food safety and nutrition. The functions of the Board are set out as follows:

(a) To organize and administer a service for obtaining and assessing information as regards the safety of food;

(b) To organize and administer a service for obtaining and assessing information as regards zoonotic diseases;

(c) To advise the Minister of developments in domestic and European law relating to food;

(d) To advise the Minister on matters relating to food with particular reference to nutrition;

(e) To coordinate scientific cooperation with other EU member States in accordance with Council Directive 93/5/EEC;

(f) If requested by the Minister, to consider and report to him or her on the arrangements to be made;

(i) For ensuring that the control of food processing and handling is compatible with accepted safety standards;

(ii) For the registration and inspection of premises carrying on a food business;

(g) To undertake such other tasks as are consistent with its remit which the Minister for Agriculture, Food and Forestry and the Minister for the Marine may require.

Measures taken to improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge

Food industry

472. Ireland is over 100 per cent self-sufficient in many of the basic foodstuffs and exports large surpluses. The increasing influence of environmental and health factors as forces of change in agriculture and the food industry worldwide are widely recognized. Maintaining the highest standards of safety and integrity in the Irish food chain, both for domestic and international consumers, is a priority.

473. Quality Assurance Programmes are becoming an essential element of today's food business because of consumer concerns about safety and health in relation to food. Retailers are putting pressure on their suppliers to respond to these consumer demands. Suppliers in turn are being forced to trace raw materials back through the supply chain to the primary producer. In many instances retailers now base their purchasing decisions on whether a product is Quality Assured or not.

474. In striving to achieve the highest Quality standards, both the State and the industry itself have a complementary role to play. The State has primary responsibility to provide the regulatory framework that ensures that only products of the highest quality, safety and wholesomeness are produced. In addition, the State will continue to support and foster industry's response to these needs by providing marketing and research expertise through its agencies.

475. In recognition of the strategic importance of the food industry to the Irish economy and the interdependence between it and the agricultural sector, the EU's Community Support Framework for Ireland (1994-1999) provides that the industry should be developed in a fully integrated way. In line with that approach a special subprogramme has been drawn up for the food industry.

476. The overall objective of the subprogramme, which is aimed at both large and small enterprises, is to build a competitive consumer-orientated food industry which will generate national wealth and employment while helping to sustain rural economies. Towards this end the subprogramme targets three main areas for development, viz. basic foodstuffs, food ingredients and consumer food products, and contains a full range of support measures covering capital investment, research and development, marketing and promotion and human resources.

Measures taken to disseminate knowledge of the principles of nutrition

477. Responsibility at national level for disseminating knowledge of the principles of nutrition and for encouraging healthy eating habits among the public lies with the Department of Health. The Department issues "Guidelines for preparing information and advice to the general public on healthy eating". These are available without charge to anyone involved in giving such advice to the public. A wide range of attractive materials on healthy eating are produced by the Health Promotion Unit of the Department. These are widely disseminated and are available to the public and health professionals free of charge. There are also special information/education programmes focusing on healthy eating. The regional health boards also have responsibility for the appropriate provision and dissemination of health promotion information, including healthy eating.

National initiatives

478. A variety of initiatives in relation to nutrition education of the public are in place in Ireland. These include information materials published directly by the Health Promotion Unit and also nutrition elements in community-based education programmes. Developments include the publication by the Health Promotion Unit of the Nutrition Health Promotion Framework for Action and the publication of recommendations for a Food and Nutrition policy by the Nutrition Advisory Group to the Minister for Health in 1995 and the establishment of the Food Safety Advisory Board. A further important development is the success of National Healthy Eating Week which has acted as a useful focus for the promotion of information and interest in nutrition. A range of other initiatives include programmes for children.

Agrarian reform undertaken to ensure that the agrarian system is efficiently utilized in order to promote food security at household level

Rural communities

479. Provision of an adequate standard of living for rural communities is a priority of Government. The Department of Agriculture, Food and Forestry has been charged with responsibility for the agricultural sector, including rural development. Other departments and State bodies also provide supports.

480. In conducting its mission the Department of Agriculture, Food and Forestry contributes to the provision of an adequate standard of living for

rural dwellers and also ensures environmental protection of the countryside, national food continuity and, together with the Department of Health, food safety for all citizens.

481. The Department's mission is to develop the agriculture, food and forestry sectors in a manner which will maximize their contribution to the economy and to sustainable employment while protecting the environment, and to promote rural development.

482. Its sectoral policy goals are:

(a) To promote the growth of a consumer-oriented, value-added industry;

(b) To ensure that primary agriculture becomes more competitive and market oriented;

(c) To foster the development of a sustainable forestry sector;

(d) To support a vibrant rural economy through appropriate rural development policies; and

(e) To foster environmentally friendly systems of production and processing.

483. In furtherance of these sectoral goals the Department's mandate can be outlined in the following general terms:

(a) Promotion and development of the agriculture, food and forestry sectors so as to:

- (i) Maximize the contribution of these sectors to the national and rural economy; and
- (ii) Maintain the maximum number of viable farms;

(b) The discharge of legal and administrative functions required by national and EU law;

(c) Ensuring food safety and protecting general consumer welfare;

(d) Protection of the environment;

(e) Support for rural development; and

(f) The maintenance of high standards of animal and plant health and animal welfare.

Research and training

484. Statutory responsibility for agricultural research, training and advice has been transferred from the Department of Agriculture, Food and Forestry to TEAGASC - the Agriculture and Food Development Authority. TEAGASC's research

programme covers all the major areas of agriculture and food technology but priority is given to research and development in food-processing. Another priority for TEAGASC is the provision of agricultural education and training for the 2,000 young people who enter farming annually. The three-year Certificate in Farming Course - the main training programme for young people - is pursued by over 80 per cent of entrants. In all, there are 12 residential agricultural and horticultural colleges and 50 local training centres providing long and short courses in general agriculture, horticulture and other specialist disciplines. TEAGASC advisory services are targeted at specific segments of farming and rural communities. The Farm Viability Service is specifically targeted at smaller-scale farmers, while the Rural Enterprise Service is targeted at rural communities. Advisory services are provided through a network of local advisory teams.

485. The range of these mandates reflects the multifaceted nature of agriculture in Ireland today, with its many subsectors.

Measures taken in order to ensure an equitable distribution, in terms of both production and trade, of world food supplies

486. Ireland provides food aid both as a member State of the EU and as an individual donor. As a member State of the EU, Ireland participates in the European Community Humanitarian Office (ECHO) emergency and humanitarian operations of which the emergency food aid operations in 1994 amounted to ECU 46 million.

487. Ireland also participates in the European Community Food Aid administered by the EU Commission and whose budget in 1994 was approximately ECU 589 million. This food aid is provided in the form of a number of products, such as cereals, milk powder, butter oil, vegetable oil and sugar, as well as aid in kind in the form of seeds, tools and financial aid to support the transport, distribution and monitoring of the food aid operations. Finance is also provided for storage infrastructure and early-warning systems together with the co-financing of food aid programmes carried out by NGOs and substitution actions.

488. The EU provides food aid bilaterally and multilaterally through organizations such as the World Food Programme (WFP) of the United Nations, UNHCR and the International Committee of the Red Cross. The EU and its member States account for 22 per cent of the 7.6 million tonnes that made up the total commitments under the Food Aid Convention 1986, as extended.

489. Ireland's commitment under the Food Aid Convention 1986, now replaced by the Food Aid Convention 1995, amounts to 4,000 tonnes of soft wheat. In recent years Ireland has fulfilled this commitment in the form of a cash equivalent payment to the WFP and provided an additional cash contribution towards transport costs.

490. In 1995, as part of the policy of increasing overall development aid to the United Nations target of 0.7 per cent of GNP, Ireland made a separate contribution of US$ 1 million to WFP which was used for food aid in Ethiopia, Zambia, Lesotho, the Sudan and Rwanda.

491. Ireland favours closer integration of food aid and food security support actions with the other development aid intervention instruments, especially support for the economic and social development of poor countries and poor population groups. A broad range of issues is involved: promotion of peace and human rights; the relationship between conflict prevention, humanitarian crisis and rehabilitation; trade and economic concerns; the environment; promotion of equal rights between men and women in all areas of society; debt alleviation and enabling people to escape economic and social expulsion; disarmament.

The right to adequate housing

Government departments responsible for housing

492. The government department principally concerned with housing is the Department of the Environment. It is responsible for the formulation and implementation of policy and for the preparation of legislation in relation to the protection of the environment, physical planning, housing and infrastructural services such as roads, water and sewerage. The Department oversees the building industry and guides and coordinates the activities of the local authorities which form the only subordinate tier of government.

493. The policies of some other government departments also impinge on housing policy, principally the Department of Finance in regard to taxation and tax incentives such as mortgage interest relief, the Department of Health in regard to care and support for special category needs such as the elderly or disabled persons, and the Department of Social Welfare in regard to income maintenance and housing allowances.

Housing policy

494. The basic aim of housing policy is to enable every household to have available an affordable dwelling of good quality, suited to its needs, in a good environment and, as far as possible, at the tenure of its choice. The policy statement acknowledges the role of all tenures in the housing system - social rented, private rented and owner occupied. In 1991 (the date of the most recent census), the total housing stock stood at 1,019,719 units of which:

Owner occupied	808,316 (80 per cent)
Private rented	103,393 (10.1 per cent)
Public rented	98,914 (9.7 per cent)
Other	

495. The general strategy for realizing the overall policy aim is that those who can afford to do so should provide housing for themselves, with the aid of the fiscal incentives available, and that those unable to do so from their own resources would have access to social housing or income support to rent private housing.

496. The composition of the population (which in comparison with other European countries is young - at January 1990 27 per cent of the population was under 15 years), traditionally high birth rates (although

declining towards the European average) and reducing household size would indicate a continuing need for a high level of housing activity. The year 1995 saw the highest level of new house completions ever recorded in Ireland: 30,575 (8.65 per 1,000 population).

Housing legislation

497. The Housing Acts, 1966-1992 are the principal legislation governing housing in Ireland. While this legislation does not confer any statutory right to housing, the range and extent of measures implemented pursuant to it demonstrates the Government's long-standing commitment to ensuring that housing needs, especially social housing needs, are adequately addressed. The Housing Acts provide a statutory framework for measures relating to: the provision of public housing for letting; the alleviation of homelessness; the provision of accommodation for the travelling community; the affording of protection to tenants in private rented accommodation; supporting voluntary housing, and assisting people to gain access to owner-occupied housing.

Homelessness

498. While the extent of homelessness appears relatively small in Ireland, compared with other European countries, its existence is a major concern of housing policy. In addition to their powers to provide housing from their housing stock, local authorities have extensive powers under section 10 of the Housing Act, 1988 to arrange accommodation for homeless persons and to contribute towards the cost of accommodation arranged for homeless persons.

499. The Department of the Environment recoups 90 per cent of local authorities' expenditure under section 10. The increased usage of local authorities' powers under section 10 can be seen from the amount of recoupment paid by the Department in the years 1992-1995 as follows:

1992	£674,000
1993	£902,000
1994	£1,359,000
1995	£2,214,000

500. Daytime referral services for homeless people seeking accommodation are provided in several areas where the need is greatest.

501. The accommodation available for homeless persons has increased substantially in recent years with new accommodation being provided under the Capital Assistance Scheme (see below). In the case of units provided for homeless persons, capital funding of up to 95 per cent of the cost is available.

502. Assessments of the number of homeless people were carried out by local authorities in March 1991 and March 1993. These showed totals of 2,751 and 2,667 homeless people, respectively. Local authorities carried out a further count of the number of homeless people in March 1996 in conjunction with their assessment of local authority housing needs.

503. Funding for resettlement services for homeless people in a number of local authority areas is being provided in 1996 allied to a new management structure involving the local statutory and voluntary agencies. In addition, a grants scheme previously operated by the Department of Social Welfare for voluntary bodies working with the homeless has been transferred to the Department of the Environment with effect from 1996.

Housing output and condition of housing stock

504. Housing output has increased substantially in recent years (see appendix B, figures 11.1 and 11.2).

505. In general, the physical condition of the housing stock is good with a significant improvement between 1980 and 1990 as follows:

(a) Unfitness in the housing stock fell from 8.1 per cent to 5.5 per cent;

(b) Dwellings without fixed bath or shower fell from 19.5 per cent to 8 per cent;

(c) Dwellings without an internal W.C. fell from 16 per cent to 6.4 per cent;

(d) Dwellings without an internal water supply fell from 4.3 per cent to 2.3 per cent.

506. In addition to the direct provision of social housing, the payment of rent and mortgage supplements under the Supplementary Welfare Allowances scheme has increased in recent years. This assistance is currently operated as an income maintenance scheme, but it is proposed to transfer its administration to the local authorities. In 1995 the average number of households in receipt of supplements in any month was of the order of 32,000 for rents and 7,000 for mortgages.

Types of housing tenure

Housing powers of local authorities

507. Local authority (public) housing is provided for letting to people in need of housing who are unable to provide it for themselves. The authorities regularly assess housing need in their areas having particular regard to specific categories of need, including the homeless. Travellers, those living in unfit, overcrowded or unsuitable accommodation, the elderly or disabled or those unable to afford their accommodation, and allocate accommodation, on the basis of relative needs.

508. Local authorities have additional power to assist homeless persons including the provision of financial assistance, temporary accommodation or making arrangements with approved voluntary housing bodies to meet the needs of homeless persons.

509. Local authorities also have an important role as facilitators of voluntary housing projects and are empowered to assist voluntary housing bodies in the provision or management of accommodation. The assistance can take a variety of forms including grants, loans, subsidies or contributions in kind such as the provision of building sites.

510. Local authorities also assist low-income house purchasers through a shared ownership system, loans for house acquisition and improvement, and affordable sites for house building. In addition, local authority tenants may acquire ownership of their houses on favourable terms.

Private housing - owner occupation

511. Government support for owner occupation reflects the desire of the majority to own their own homes. Principal among the incentives towards owner occupation are:

(a) Mortgage interest relief: 80 per cent of interest paid in respect of mortgage loan for the provision or improvement of a principal private residence is allowable against income tax subject to upper limits on the amount of interest reckonable. This relief is currently being reduced from the marginal tax rate to the standard rate on a phased basis. There are special concessions to assist first-time buyers over the first five years of the mortgage;

(b) New house grant: a grant of £3,000 is available to first-time owner occupiers of new dwellings (subject to size restrictions);

(c) Sale of local authority houses to tenants: local authority tenants may buy their houses from the local authority at market value less a discount of 3 per cent of the market value for each year of tenancy (to a maximum of 30 per cent plus £3,000).

512. Other incentives towards home ownership include the absence of stamp duty (a transfer tax which applies to property transactions) on new houses (subject to size restrictions), the Shared Ownership System, under which households which cannot afford full ownership in one step can enter shared ownership arrangements with local authorities, the Mortgage Allowance Scheme, which assists persons in occupation of local authority dwellings who wish to acquire private housing by means of a mortgage loan, and the provision by local authorities of housing sites at low or nominal cost to a number of categories including housing cooperatives (which in the Irish context normally provide housing for owner occupation), housing associations and individuals who would normally qualify for local authority housing.

513. Assistance towards mortgage payments of persons not in full-time employment may also be available through the Supplementary Welfare Allowance Scheme financed by the Department of Social Welfare. Assistance is limited to the interest portion of the mortgage.

Private sector housing - rented

514. The private rented sector represents about 10 per cent of the total housing accommodation in Ireland. The role of private rented housing in meeting social housing needs has been increasingly recognized in recent years. The promotion of a thriving, more diverse and well-managed rented sector is therefore one of the specific objectives of housing policy.

515. Financial assistance towards rents of private rented houses may be available through the Supplementary Welfare Allowance scheme to persons not in full-time employment. It is estimated that about one third of the tenants in the sector receive assistance from this source.

516. Income tax relief on rent paid in respect of private rented accommodation has been available to all tenants since 1995. This scheme has eased the burden of rent payments especially for persons with moderate means. Tax incentives are also currently available which encourage the provision of new, refurbished or converted property for private rented accommodation in certain designated urban renewal areas.

517. The position of tenants in the private rented sector has been considerably improved in recent times. The law was amended to prohibit the seizure of a tenant's goods to enforce payment of rent, to make mandatory the provision of rent books, introduce minimum standards of rented accommodation and provide for a minimum of four weeks notice to quit. In addition, from 1996, private rented dwellings will be registered with local authorities to assist enforcement of the various statutory requirements.

Social rented housing - Local authority (public) housing

518. In the past, social housing was exclusively provided by the local authorities. In recent years authorities have been empowered to operate a wider package of social housing measures and act as facilitators for voluntary housing activity. The current local authority rented housing stock comprises some 95,000 units.

519. In line with reducing demands, public housing output declined from 5,516 units in 1986 to 1,033 in 1990. However, the programme has since been expanded in the light of growing demands to a projected level of around 4,000 units in 1996.

520. Over one quarter of the Irish housing stock was originally provided by local authorities. However, due to a long-standing policy of selling local authority dwellings to tenants at favourable terms, less than 10 per cent of the overall housing stock is currently owned and rented by the authorities.

521. The need for better management of the local authority rented housing stock has attracted attention in recent years as has increasing residualization in the sector. Local authorities were given flexible powers in 1992 to make the estate management arrangements best suited to local circumstances and detailed guidance was provided to them by the Department of

the Environment. A number of initiatives are progressing the drive for better management including tenant participation, which is specifically endorsed in the government programme.

522. A number of schemes are in operation to improve the housing standards and upgrade the physical environment in certain older or substandard local authority housing estates. Under the Remedial Works Scheme funds are provided to local authorities for carrying out major works of refurbishment and upgrading of their substandard dwellings including older estates and high-rise or experimental "low-cost housing" built in the 1960s and early 1970s. A special subprogramme is also in operation to provide bathroom facilities in the estimated 2 per cent of the local authority rented stock which lack these facilities.

523. It has been a specific objective of government housing policy in recent years to mitigate the extent and effects of social segregation in housing. Since 1991 local authorities have been encouraged to provide new housing in smaller developments, to develop, as far as possible, infill sites for local authority housing and increasingly meet needs by purchasing existing houses. As a result, the purchase of existing houses accounted for over 16 per cent of the local authority programme in 1994 and over 23 per cent in 1995.

Social rented housing - Voluntary housing

524. Non-governmental organisations may be granted approved status as voluntary housing organizations. The Department of Environment's Capital Assistance Scheme, introduced in 1984, and the Rental Subsidy Scheme, in operation since 1991, have resulted in a greater proportion of social housing needs being met by voluntary bodies. In 1995, the voluntary housing output was equivalent to 26 per cent of local authority new-builds and acquisitions, compared with 0.5 per cent in 1987. These schemes target the needs of disadvantaged groups and low-income families. The voluntary sector is now producing about 1,000 units of accommodation annually for letting to elderly, homeless and handicapped persons, victims of violence or desertion, single parents or persons otherwise accepted as qualifying for local authority housing. The voluntary housing stock currently stands at around 8,000 units.

525. Finance is provided to the voluntary bodies through the local authority in two ways:

(a) Capital Assistance Scheme. This scheme provides 90 per cent capital funding, subject to cash limits, by way of non-repayable loans. The voluntary body must find 10 per cent from its own resources. The loan remains non-repayable as long as approved categories of persons continue to be housed by the voluntary body;

(b) Rental Subsidy Scheme. Under this scheme a voluntary body may avail itself of a 100 per cent repayable capital loan advanced by the local authority to finance the cost of the project. The scheme is targeted at low-income families who, if they are below a certain income level, will have their rents subsidized by the local authority which will recoup the cost from the Department of the Environment. The scheme supports household income to the extent necessary for the household to afford suitable housing.

526. Voluntary housing projects traditionally catered in particular for special category needs such as the elderly and homeless persons. Since the introduction of the Rental Subsidy Scheme its client base has expanded to those who would otherwise be dependent on local authority housing.

Special housing needs

Accommodation for Travellers

527. Travelling people are defined in the Housing Act, 1988, as "persons who traditionally pursue or have pursued a nomadic way of life". Responsibility for the provision of accommodation for Travellers, whether in standard housing, group housing or residential caravan parks (halting sites), rests with local authorities with the Department of the Environment providing the funding required.

528. While the numbers of Traveller families on the roadside fell from 1,146 in 1990 to 1,112 in 1995 (the most recent years for which details are available), there is an urgent need for an acceleration in the rate of providing accommodation for Travellers. While many Traveller families wish to be housed the preference of many families is halting site accommodation. In the five years 1991 to 1995, 55 halting-sites (both permanent and temporary) were provided by local authorities, incorporating 582 bays (this includes the upgrading of existing halting sites). In addition, the expansion of the local authority housing programme since 1993 has facilitated the provision of housing for more Traveller families.

529. In March, 1996 the Government announced details of a national strategy to meet the accommodation needs of the Travelling Community involving an improved legal, administrative and funding framework. The key elements of the strategy will be the drawing up of a national Traveller Accommodation programme based on plans adopted by local authorities. A special unit has been established in the Department of the Environment to oversee the strategy, coordinate the local plans and monitor the implementation of the national programme. A National Traveller Accommodation Consultative Group will be established on a statutory basis to monitor the preparation, adequacy and implementation of the local traveller accommodation plans.

Special housing aid for the elderly

530. The Task Force on Special Housing Aid for the Elderly (which includes representatives of voluntary bodies, local authorities, the Manpower employment agency and the Departments of Health and Social Welfare) undertakes an emergency programme to improve the housing conditions of elderly persons living alone in unfit or insanitary accommodation and who are not themselves in a position to undertake the necessary remedial work. The programme is operated by the Regional Health Boards and it provides assistance up to the full cost of necessary improvements for eligible applicants. The operation of the scheme is funded by the Department of the Environment on a recoupment basis. It is estimated that to date improvements to over 17,000 houses have been dealt with under the scheme.

Disabled Persons and Essential Repairs Grant schemes

531. The Disabled Persons Grants scheme, which is operated by local authorities, provides assistance to householders to carry out necessary adaptations or improvements to their dwellings to facilitate disabled members of the family. The grant may cover up to two thirds of the approved cost of the works in respect of a private house or all of the approved cost in the case of a local authority house. Up to half the amount of the grant, subject to a maximum of £2,500 is recouped by the local authorities from the Department of the Environment.

532. Essential Repairs Grants are available from local authorities for necessary works to dwellings in rural areas that have deteriorated to such an extent that they cannot be made fit for human habitation at reasonable cost. Up to half of the amount of the grant, subject to a maximum of £600, is recouped by local authorities from the Department of the Environment.

Trends in housing needs

533. See appendix B, figure 11.4.

The water and sanitary services programme

534. The post-war period has witnessed rapid progress in the provision of piped water supplies and related sanitary facilities throughout the country. In 1946, 38 per cent of private dwellings had a piped water supply. By 1961 this figure had risen to 57 per cent, by 1971 it was 79 per cent and by 1981 95 per cent of dwellings had the benefit of a piped supply. As regard flush toilets, the percentage of private dwellings with this basic amenity rose form 38 per cent in 1946, to 53 per cent in 1961, 71 per cent in 1971 and 90 per cent in 1981. The progressive extension of piped water supplies and related facilities across the country has been a major factor in the improvement of the quality of people's lives.

535. The main objectives of the water and sanitary services programme are to provide an adequate supply of water of suitable quality for industrial, agricultural, domestic and other users and to provide systems for the safe and adequate disposal of sewage and other water borne wastes.

536. The water and sanitary services programme is implemented by 87 local authorities - 32 county councils and county boroughs and 55 borough and urban district councils - under the general supervision of the Minister for the Environment. The Minister is responsible for formulating the legislation and policy framework, determining overall funding requirements and securing the most effective use of available resources, and supervising and coordinating implementation.

537. The legislative framework for the programme is contained primarily in the Local Government (Sanitary Services) Acts, 1878 to 1964. In addition, several EC Directives have a direct or indirect bearing on the services provided, setting standards, for example, for drinking water quality and for the quality of receiving waters for particular uses.

538. The initiation of proposals for public schemes to be included in the water and sanitary services programme is a function of the individual local authorities, who must take account of the existing level and quality of services and make realistic assessments of development needs. In general, most elements of water and sewerage schemes are designed to meet anticipated demands over the following 20 years, and schemes that are currently being constructed can therefore be expected to cater for overall local needs into the next century. Preparation of appropriate proposals, particularly where new schemes are required, may be a complex and time-consuming process.

539. The public waste supply and sewerage systems serve industrial, commercial, agricultural, economic development, domestic and other uses. Because of the generally low density of population and development, the dispersed pattern of industry and of rural settlement, public syscems tend to be multipurpose, with local circumstances determining the balance between one beneficial use and another.

540. Some 1,000 public water supply schemes deliver in excess of 1,000 million litres of water per day to various classes of users. These public services are supplemented by private group water schemes and individual wells, which together serve less than 20 per cent of the population.

541. Approximately 600 public sewerage systems service mainly the urban population and a substantial proportion of industry. Of the waste loads discharged to receiving waters from point sources, 45 per cent are of industrial origin and 46 per cent domestic.

542. It would be impracticable and prohibitively costly to provide public piped water and sewerage services in all areas in view of the scattered settlement pattern of the rural population. Accordingly, while an extensive network of public and private piped water supplies has now been provided, there are still some 70,000-75,000 private wells in use, serving about 7 per cent of the population. Sanitary authorities have no direct function in relation to the construction of private wells but they are responsible for monitoring the quality of all water supplies, both public and private, intended for human consumption.

543. The population served by public sewerage systems is now about 70 per cent of the national total. Outside Dublin, the percentage is between 30 per cent and 40 per cent. There is, therefore, heavy reliance in rural areas on septic tank drainage arrangements for individual dwellings and other premises. The installation of such systems is subject to planning control.

544. Investment in water and sanitary services during the last ten years has largely been directed towards meeting capacity and other requirements identified in the mid-1970s to meet the objectives of the national water and sanitary services programme in the circumstances then prevailing. These were for:

(a) Schemes needed to provide for new industrial development and housing;

(b) Schemes necessary to make good deficiencies in existing services, including deficiencies arising from the requirement of EC Directives;

(c) Schemes needed primarily for the prevention or abatement of pollution; and

(d) Schemes of headworks needed to facilitate the development of group schemes in rural areas.

545. Encouraging progress has been made towards achieving the objectives of the programme established in the 1970s. Investment of £765 million during the 1980s has:

(a) Enabled a backlog of planning schemes to be tackled, provided essential improvement and expansion of water supply and sewerage networks; and

(b) Created, nationally, a reasonable adequate supply of serviced land to cater for development and other needs, although subregional and local deficiencies still remain.

546. On average, some 60 per cent of capital spending on the national water and sanitary services programme has been allocated to water supply schemes in the years since 1980. This has allowed:

(a) A significant number of new schemes and major supply improvements to be completed;

(b) Supplies to rural areas to be considerably expanded; and

(c) Greater efficiency to be achieved through improvements in design and treatment technology.

547. The sewerage schemes programme over recent years has concentrated on: the extension of the sewage and waste-water collection network, where this was practicably and economically feasible, and the construction of treatment plants to treat and dispose of sewage to acceptable standards so as to abate or prevent pollution arising from effluent discharges.

548. The Public Capital Programme provides the funds required for the construction of water and sanitary services schemes by a system under which direct capital grants are paid to local authorities to meet, in most cases, the full cost of approved schemes. Where a significant proportion of the capacity of a new scheme is intended to service a particular industrial or commercial development, the local authority is required to seek a capital contribution from the developer towards the provision of the service.

549. Since 1980, over £765 million has been invested in the water and sanitary services public schemes programme (see appendix B, figure 11.3). While the bulk of the investment was devoted to major schemes, about £42 million were allocated to small schemes - each costing £50,000 or less - over the period. This subprogramme enables sanitary authorities to carry out urgent small-scale works subject to less detailed supervision by the Department of the Environment.

550. For the long-term, a fundamental reappraisal of the water and sanitary services programme is being undertaken, based on ongoing reviews of needs, appraisal procedures and standards. Policy has now been reappraised in today's changing arrangements so as to ensure that investment over the coming years is related to more specific economic or social requirements, is fully integrated with environment protection projects/programmes, and represents the best possible value for money.

551. The Environment Action Programme (1990) set out objectives for protecting and improving the environment across a range of public sector activities. Targets involving public expenditure of almost £1 billion over a ten-year period were identified in the programme in relation to a variety of measures including pollution control, preservation of the natural and built environment and the enhancement of amenities. The programme indicated investment of £930 million in particular on the provision of new and improved public water supplies and sewage treatment services. Measures were also included with regard to waste (particularly the promotion of recycling), agriculture, forestry, energy and industry.

552. Assistance from EU Structural Funds will be provided to support the extension and improvement of water supply and sewerage services in the period 1989-1993 to underpin sustainable development and support economic sectors.

Land use, land distribution, land allocation and land zoning

553. The Local Government (Planning and Development) Acts 1963 to 1993 constitute the main legislative basis for the planning process. The 1963 Act is the principal Act and the most comprehensive. The 1976 Act amended in parts the 1963 Act and, in particular, provided for the establishment of an independent planning appeals tribunal, An Bord Pleanála. The 1982 Act deals principally with the duration of planning permission. The 1983 Act deals with the reconstitution of An Bord Pleanála and the more expeditious processing of planning appeals. The main purpose of the 1990 Act is to amend and consolidate the law on planning compensation. The 1992 Act further provided for a more streamlined appeals procedure and updated financial penalties for breaches of the Planning Acts. The 1993 Act brought development by State authorities into the planning process.

554. Together with the Planning Acts, Planning Regulations provide the main legislative basis with regard to planning. The Regulations, which deal with issues such as development exempted from planning permission, were consolidated in the Local Government (Planning and Development) Regulations 1994. These were amended in 1995 and 1996.

555. The 1963 Act makes provision, in the interests of the common good, for the proper planning and development of cities, towns and other areas, whether urban or rural (including the presentation and improvement of the amenities thereof), and makes certain provisions with respect to the acquisition of land. The main objectives of the 1963 Planning Act are:

(a) To set up a new and more flexible planning system to be operated by local authorities throughout the country;

(b) To enable local authorities to facilitate industrial and commercial development and to secure the redevelopment of parts of built-up areas which have become outmoded, uneconomic or congested;

(c) To ensure that the amenities of town and countryside are preserved and improved.

556. Under the provisions of the 1963 Act each planning authority, i.e. county council, county borough council, borough corporation and urban district council (88 in all) is obliged to make a development plan indicating the development objectives for each of their areas and to review and update it from time to time as occasion may require and at least once every five years. The Act enables the Minister for the Environment to extend the period for the review of a development plan in any particular case. The development plan consists of a written statement, supplemented by maps, indicating the policy and development objectives for the area of the planning authority for the next five years. The development objectives for cities and towns must include:

(a) Provision for the allocation and use of land for particular purposes, i.e. zoning for residential, industrial and other uses;

(b) Proposals for securing the greater convenience and safety of road users and pedestrians by the provision of parking places or road improvements or otherwise;

(c) Objectives for development and renewal of obsolete areas;

(d) Objectives for preserving, improving and extending amenities.

557. With respect to other areas, the plans must show objectives for:

(a) Development and renewal of obsolete areas;

(b) Preserving, importing and extending amenities; and

(c) Provision of new water supplies and sewerage services and extension of existing supplies and services.

558. Apart from the foregoing mandatory provisions, development plans may include a wide variety of other objectives relating to all aspects of physical planning and development. Examples of the detailed objectives for regulating and controlling the size, dimensions and character of structures are building lines; site converge; parking provision; the purpose for which structures may be used, including the separate lettings for use as dwellings; the design, colour and materials of structures; density of development; open space provision in housing developments; layout of roads; landscaping; the siting of schools, churches and community facilities; and the provision and conservation of environmental amenities.

559. The detailed objectives listed above, which may be included in development plans, are a good indicator of the very wide scope which a development plan may embrace. Before a development plan is made, copies of a draft of the plan must be sent to a number of bodies which have a particular

interest and that may be in a position to give the planning authority specialist advice. The bodies which must be consulted are prescribed by the Minister by regulations made under the Act. These include the Arts Council, Bord Fáilte, An Taisce - the National Trust for Ireland, the Heritage Council, An Bord Pleanála, other planning authorities adjacent to the area, and a number of government departments, including the Department of the Environment.

560. To facilitate public participation in the planning process, notice of the making of a plan must be published and a copy of the draft kept on public display for at least three months. Any objections or representations made to the authority during that time must be taken into account before the plan is made. The making of a development plan or any variation of any such plan is a reserved function of the elected members of the authority. All applications for planning permission for developments are assessed against the provisions of the development plan.

561. The implementation of the objectives of the development plan is achieved through planning control and development carried out by the planning authorities. Part IV of the 1963 Act contains the basic provisions governing the control of development. Section 24 imposes a general obligation to obtain planning permission before any development (other than exempted development) is commenced. "Development" is defined in section 3 of the Act as "save where the context otherwise requires, the carrying out of any works on, in, or under land or the making of any material change in the use of any structures or other land" and the section specifically provides that the subdivision of a dwelling into two or more units is development. Development which is exempted from normal planning control is specified in section 4 of the 1963 Act and in Regulations made thereunder. The Local Government (Planning and Development) Regulations, 1994 provide for classes of development which are exempted, subject to conditions, from the requirement to obtain planning permission. Certain development by or on behalf of local authorities is subject to a procedure of public notification and consultation.

562. Public notice of the making of a planning application (including a site notice) must be given by the developer. The making of decisions on planning applications is an executive function performed by the County or City Manager. Under the Local Government (Planning and Development) Regulations, 1994, fees are payable in respect of a planning application subject to certain limited exceptions for developments of a social, educational or non-profit-making type. In general, the level of fee is based on the extent of the development applied for and is currently fixed at £42 for the provision of a dwelling and £21 for a domestic extension. The scheme of fees is designed to recover part of the cost incurred in operating the control system.

563. Where a planning application is made, the planning authority may decide to refuse permission or to grant it, subject to or without conditions. Decisions on planning applications must be given within two months of the receipt of the application unless additional information is requested, in which case the two-month period runs from the date of the receipt of the information by the planning authority. Apart from that, the planning authority may only extend the two-month period for making the decision on the planning application if, before the expiration of the period, they obtain the written consent of the applicant to do so. If a decision is not given within

the statutory period permission by default may be claimed. In dealing with an application, the authority is restricted to considering the proper planning and development of the area (including the preservation and improvement of its amenities), regard being had to the provisions of the development plan and to the provisions of any special amenity area order relating to the area. Any person objecting to a proposed development may make submissions (in writing) to the planning authority. Any person may, within certain statutory time limits, appeal to the independent appeals tribunal, An Bord Pleanála, against a decision of a planning authority on a planning application.

564. The Annual Planning Statistics show that there were 9,498 applications for planning permission for 21,627 dwellings in 1986 and 19,638 applications for permission for 60,853 dwellings in 1995. This represents a twofold increase in the number of applications received with respect to housing and an almost threefold increase in the number of houses. Dublin continues to have the highest ratio of dwellings/applications with 12.4 possible dwellings arising from each application in the Dublin City area while applications received by Westport Urban District Council show a possible 9.5 dwellings per application.

565. It should be noted that the number of applications for houses is far higher than the rate of construction. Despite the high number of applications for houses in 1995, a total of 17,200 private-sector dwellings were built and 18,536 were built in 1990. In the five-year period 1990-1994, applications for planning permission were received in respect of 235,586 dwellings. In the same period, 85,500 private dwellings were built (a ratio greater than 2:1).

566. A total of 16,509 houses in schemes of 10 or more houses were the subject of planning proceedings at the end of June 1991 - 10,679 such houses were before the planning authorities and 5,830 at appeal. A Dublin County Council survey shows that in April 1990, 1,950 houses were under construction in the county, whereas permission for over 14,000 houses existed.

567. Separate figures for the refusal of permission in respect of housing applications do not exist, but overall, the rate of refusal by local authorizes of planning applications is in the region of 9 per cent. The rate of appeal to An Bord Pleanála (both against refusals and by third parties against the grant of permission) is of the order of 8 per cent. The Board reverses the decision of the planning authority in approximately 25 per cent of the cases.

568. The planning system permits adequate private housing to be built to meet the demand for such housing and to renew the housing stock.

569. The main purpose of the 1976 Planning Act were:

(a) To provide for the establishment of An Bord Pleanála (an independent tribunal) to deal with appeals, references and other matters under the Local Government (Planning and Development) Act, 1963 and formerly dealt with by the Minister;

(b) To strengthen the provisions of the 1963 Act relating to unauthorized development; and

(c) To amend various provisions in the 1963 Act to render them more effective in the light of experience of the operation of the Act.

570. An Bord Pleanála was established on 1 January 1977 under the 1976 Planning Act and assigned the appellate functions previously performed by the Minister for the Environment under the 1963 Act. The actual transfer to the Board of appeal functions took effect from 15 March 1977 and the Board has responsibility for appeal functions under the Local Government (Planning and Development) Acts, 1963 to 1993. These matters include appeals against refusals and grants of permission as well as issues relating to exempted development. The Board also determines appeals arising under the Local Government (Water Pollution) Act, 1977 and the Air Pollution Act, 1987.

571. The Board is an independent corporate body. The Minister for the Environment may give general policy directives to the Board and planning authorities but is precluded from exercising any power or control in relation to particular cases.

572. The principal function of the Board is the determination of appeals made under section 26 (5) of the 1963 Act against decisions by planning authorities on applications for permission for the development of land. In dealing with these appeals the Board is required to determine the relevant planning application as if it had been made to it in the first instance. In determining appeals, the Boards must take account of the development plans for relevant areas and of any special amenity area orders relating to them. However, section 14 (8) of the 1976 Act makes it clear that the Board may decide to grant a permission in contravention of a relevant development plan or special amenity area order. An Bord Pleanála has power to adjudicate on planning appeals, either by having an oral hearing or by written representations only.

573. Section 5 of the 1976 Act requires the Board to keep itself informed of the policies and objectives of ministers, planning authorities, the Commissioners of Public Works, the Irish Land Commission, harbour authorities and certain other bodies prescribed for the purpose.

574. Under section 26 of the 1963 Act, a planning authority may decide to grant a permission subject to or without conditions, or to refuse it. Such a permission may relate to the proposed development of land (including the making of a material change in the use of any structures or other land) or to the retention of structures already erected, or to the continuance of a use already instituted, whether without permission or in accordance with a temporary permission.

575. Any person may appeal against a decision of a planning authority under section 26. The applicant for a permission can appeal before the expiration of the period of one month beginning on the day of the receipt by him of the decision. Persons other than the applicant (described as "third parties") can appeal before the expiration of the period of one month beginning on the date of the giving of the planning authority's decision.

576. Procedure in dealing with appeals is governed by the 1963 and 1976 Planning Acts, the Local Government (Planning and Development) Regulations, 1994 and the general requirements of natural and constitutional justice. The courts are empowered to review the activities of administrative tribunals generally and proceedings can be instituted on a point of law by way of judicial review of the decision of the Board on any appeal or reference within two months of the date of the decision. In such a case, the court is restricted to considering whether the Planning Authority or the Board acted within its powers. The court may declare a decision ultra vires but it cannot substitute its own decision for that of the Planning Authority or An Bord Pleanála.

577. The Local Government (Planning and Development) Regulations, 1994 require the payment of a fee of £100 by a person or body making an appeal, reference or request for determination to the Board. Anyone making a submission or observation concerning a case must pay £30. Certain bodies and persons are entitled to exemption from or reduction of these fees. Any persons or body requesting an oral hearing must pay an additional fee of £50. An appeal against a decision of a planning authority on a planning application relating to commercial development, by the person by whom the application was made, costs £200. Such commercial applications include applications for permission to build two more dwellings.

578. The main provisions of the 1982 Planning Act were:

(a) To amend provisions of the 1976 Planning Act relating to the duration of planning permission;

(b) To provide for increased penalties for offences under the 1963 and 1976 Planning Acts;

(c) To enable the Minister for the Environment to issue general policy directives as to planning and development to planning authorities as well as to An Bord Pleanála;

(d) To permit the introduction of charges for planning applications and appeals.

579. The main purposes of the 1983 Planning Act were:

(a) To reconstitute An Bord Pleanála by providing for the appointment by the Government of a chairman from among candidates selected by a special independent committee, and the appointment by the Minister of five ordinary members, four of whom from among persons selected by independent organizations representing professional, environmental, development and community interests and the fifth from among the Minister's established civil servants;

(b) To amend the existing legislation so as to enable certain classes of planning appeals to be dealt with more expeditiously.

580. The main purpose of the 1990 Act is to amend and consolidate the law on planning compensation. The major new provisions of the Act relate to:

(a) Wider grounds for non-compensation;

(b) A new procedure for alternative development;

(c) New valuation rules for assessment of planning compensation;

(d) Regulation of rights of connection to public sewers and water supplies.

581. Local authorities are empowered to acquire lands by agreement or compulsorily for the purposes of carrying out any of their powers, duties and functions. The originating power is contained in section 10 of the Local Government (Ireland) Act, 1898 as amended by section 11 of the Local Government Act, 1960. Section 10 of the 1960 Act (as substituted by section 86 of the Housing Act, 1966) empowers local authorities to acquire lands for multiple purposes, including housing. The procedure used by local authorities when acquiring land compulsorily is provided for in the 1966 Act.

582. The assessment of compensation where land is acquired compulsorily is governed by statutory rules as outlined in section 2 of the acquisition of Land (Assessment of Compensation) Act, 1919, rules 7 to 13 of the Fourth Schedule to the Local Government (Planning and Development) Act, 1963, certain provisions of the Third and Fourth Schedules to the Housing Act, 1966 and the rules in the Fourth Schedules to the 1966 Act.

583. The main purpose of the 1992 Act is to amend the law in relation to planning appeals and other matters with which An Bord Pleanála is concerned, so that the Board can decide cases in a shorter period of time than previously. The Act also:

(a) Applies time limits to the use of certain enforcement powers;

(b) Makes provision for the judicial review of a decision of a planning authority or the Board;

(c) Allows for a warning notice to be served under section 26 of the 1976 Act where it appears to a planning authority that an unauthorized use is likely to be made of land;

(d) Substitutes a new section for section 27 of the 1976 Act regarding injunctions in the case of unauthorized development;

(e) Increases the fines for offences under the Planning Acts;

(f) Provides for compensation to be payable in respect of a decision by the Board on applications for consent required to be obtained under Tree Preservation Orders.

584. The main purpose of the 1993 Act is to regulate development by or on behalf of State authorities and local authorities. Section 3 of the Act

provides for the establishment of a new procedure for public notice and consultation for development proposed by local authorities which are planning authorities. Planning permission is also required for development by or on behalf of a State authority where that development was commenced after the end of the transitional period of one year beginning on 15 June 1993.

Other measures taken to fulfil the right to housing

585. The planning system must facilitate housing development generally. Every effort must be made by planning authorities to enable overall housing requirements to be met. Restrictions and prohibitions are necessary if orderly development is to be secured. However, the Minister has advised planning authorities and An Bord Pleanála that the general approach to development control should not be an unduly restrictive one and permission should be refused only where there are serious objections on important planning grounds. Planning objectives should not be applied without regard to the circumstances and to the merits of each case; the system should also take account of the practical and human problems which arise under any system which can affect the property and aspirations of every individual which are relevant to planning. A reasonable, flexible approach should therefore be adopted and while consistency and equality of treatment must be secured, it does not follow that uniformity must also be the rule.

586. Dispersed rural settlement is not a new concept in this country where there is a long history and tradition of such settlement. There are many reasons for the scatter of one-off houses dotting the Irish landscape including houses for farmers and other rural dwellers who, of necessity, have to be close to their work, houses for commuters close to nearby towns, for retired people, etc. Many householders base their choice of a rural house on financial reasons or on social/family links with the area concerned. Local authorities have been asked by the Department of the Environment to give special consideration to the desirability of a process of expansion in the smaller towns and villages. Such an approach would not only counteract over-rapid development of the large urban areas, which can create heavy demands for infrastructure and other services, but would also assist in dealing with the problems arising from pressure for isolated housing development in rural areas, unrelated to any identifiable existing centre.

587. As a general rule local authorities are committed to encouraging new housing development to take place in or directly related to existing towns and villages. However, they are also conscious of the demand for one-off housing and of the planning criticisms which can arise in such cases. Development plans usually reflect the various concerns through the inclusion of policies and provisions to control such development, e.g. restriction of development alongside, or with access to, national roads, prohibitions of frontage and ribbon development, restrictions on development in high-amenity areas.

588. The need to conserve the natural and landscape amenity of the Irish countryside through good design and siting of houses, not only for reasons of tourism but also as a cultural and national asset, is also recognized. This subject was covered comprehensively in the advisory booklet "Building

Sensitively in Ireland's Landscape" published by Bord Fáilte (Irish Tourist Board). An Taisce, the National Trust for Ireland, and some local authorities, have also produced their own local guidelines in this regard.

589. The Minister has advised planning authorities and An Bord Pleanála that the problem of one-off housing is multifaceted and, as well as those outlined above, includes the high cost of providing services, suitability of soil conditions for septic tanks, etc. Each case should be examined on its merits and the local authority must determine whether there are serious objections to the particular proposal on important planning grounds such as traffic safety, public health and amenity. Planning authorities should also attempt to discriminate between the needs of members of the rural community and their families together with those whose occupations require them to reside in rural areas and, on the other hand, demands which arise merely from speculative pressure or a desire to artificially increase land values for bank borrowing purposes. Efforts should be made by local authorities to differentiate between proposals which are likely to be of a "one-off" nature and those which involve haphazard and disorderly siting of new groups of houses in rural areas.

Rights of tenants to security of tenure, to protection from eviction and to housing finance and rental control (or subsidy)

590. The Department of Justice has responsibility for landlord and tenant legislation governing long-term security of tenure in the private rented sector.

591. Most tenants in the private rented residential sector hold periodic tenancies from week to week or month to month. They have no long-term security of tenure and their tenancy may be terminated by service of a notice to quit. Some tenants hold leases, usually for 6 or 12 months, and have security of tenure for the length of the lease, assuming they are not in breach of its terms.

592. There are three possible ways for a tenant in the private rented residential sector to acquire long-term security of tenure. The first arises where the property was formerly rent controlled and is now protected by the Housing (Private Rented Dwellings) Act, 1982. These generally are dwellings erected prior to 1941 and are within a particular range of rateable valuation. The original tenant is entitled to retain possession during his or her lifetime. On the death of the original tenant a surviving spouse also has a right to retain possession for his or her lifetime. If the original tenant or the surviving spouse dies within 20 years from the commencement of the 1982 Act (i.e. before 26 July 2002) the right to retain possession passes to a member of the family provided that that member was residing at the premises. The family member's entitlement subsists from the date of death of the tenant or his or her spouse, as the case may be, until the expiration of the 20-year period. If that member dies within the relevant period, another member of the family (who has been residing at the premises) becomes entitled to retain possession for the remainder of the 20 years. If, however, a family member becomes entitled to possession with less than 5 years of the 20-year period to run, the entitlement lasts for a 5-year period.

593. In certain specified circumstances the landlord may seek to recover possession. As well as grounds arising where it is alleged that the tenant is in some way at fault (e.g. breach of agreement), there are three grounds where the landlord may bona fide require the premises. The first is where it is required for occupation as a residence by the landlord himself or "any person bona fide residing or to reside with him". The second is where the landlord requires the dwelling for occupation as a residence by a person in his whole-time employment. The third case is where the landlord requires the dwelling "in the interests of good estate management".

594. The second way that long-term security of tenure may be acquired occurs where a tenant has been in continuous occupation for 20 years. In this case, under the Landlord and Tenant (Amendment) Act, 1980 the tenant may then acquire a right to a 35-year lease. (While there are a number of exclusions to this right it is not necessary to detail them here as they arise rarely.) This provision is under review at present because in practice the provision can result in tenants being required to quit premises before the 20-year period has accrued. A report of a working group on possible changes in the law in this area is being examined.

595. A third possibility exists under the provisions of the Landlord and Tenant (Amendment) Act, 1980 - improvement equity - but it is most unlikely to arise with any frequency in practice because it involves improvements made by the tenant which are equivalent to one half of the letting value.

Legislation concerning building codes, building regulations and standards

596. Building Regulations were made in Ireland in 1991 to establish, for the first time on a national basis, a statutory building code. These Regulations replaced building by-laws generally accepted as being outdated. The basic purpose of the Regulations was to secure the health and safety of people using or living in buildings. The Regulations and supporting technical guidance documents allow for the most modern methods in the design and construction of buildings and lay down uniform standards in areas such as structural stability, fire safety, hygiene and ventilation.

Changes in national policies, laws and practices negatively affecting the right to adequate housing during the reporting period

597. There have been no changes in the operation or implementation of the planning regulations which negatively affect the right to adequate housing. It is clear that the code is an enabling system and that planning authorities and An Bord Pleanála have been advised to operate it flexibly and in the best interests of the national interest and local communities.

ARTICLE 12

The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

598. All Irish residents are eligible to avail themselves of a comprehensive and high-quality health service. Any person, regardless of nationality, who is accepted as being ordinarily resident in Ireland is entitled to either full eligibility (category 1) or limited eligibility (category 2) for health services. There is a means test for inclusion in category 1. Persons in category 1 are entitled to the full range of public health services free of charge. Persons who do not qualify for inclusion in category 1 are automatically in category 2.

599. Persons in category 2 are entitled to public hospital services (subject to modest statutory charges in certain cases), a maternity and infant care service, a refund of expenditure on prescribed drugs and medicines over a certain amount, and drugs and medicines free for the treatment of certain specified illnesses.

600. Certain services are available free of charge to all irrespective of their eligibility category. These include the treatment of infectious diseases, certain child health services, rehabilitation services for the handicapped, treatment for children with certain long-term conditions and some screening programmes.

601. Persons whose income exceeds the income guidelines normally used to determine category 1 eligibility may be given category 1 eligibility on hardship grounds if the health board considers that they are unable to provide general practitioner, medical and surgical services for themselves and their dependants. Persons who do not qualify for inclusion in category 1 are automatically in category 2. Persons in category 1 include about 35 per cent of the population.

Information on the physical and mental health of the population

602. See appendix B, figures 12.1 to 12.8.

National health policy

603. The need to review periodically the direction in which the health services are developing resulted in the publication in April 1994 of the Health Strategy document "Shaping a Healthier Future".

604. The Health Strategy set out the future direction of the Irish Health Services and also set down a Four-Year Action Plan of specific targets to be achieved for each of the main health sectors. The main theme of the Strategy is the reorientation of the system towards more effectiveness and efficiency by reshaping the way that health services are planned and delivered. There are three dimensions to this reorientation:

(a) The services - prevention, treatment and care services will be more clearly focused on improvements in health status and the quality of life, and will place an increased emphasis on the provision of the most appropriate care;

(b) The framework - the management and organizational structures will provide for more decision-making and accountability at regional level, allied to better methods of performance measurement;

(c) The participants - greater recognition will be given to the key role of those who provide the services and the importance of enabling them to do so to their full potential; and there will be greater sensitivity to the right of the consumer to a service which responds to his or her needs in an equitable and quality-driven manner.

605. The Strategy has been endorsed by the present Government in the policy agreement "A Government of Renewal", as the basis for its programme in the health area. All areas identified in the Strategy have been the subject of substantial achievement since it was launched.

Percentage of GNP/national budget spent on health; percentage allocated to primary health care

606. About 75 per cent of the Health Service in Ireland is publicly funded; the remaining 25 per cent comprises expenditure by health insurance companies and private spending by households. The major portion is derived from Exchequer grants. Total public health expenditure in 1993 amounted to £2,112.4 million or 7.4 per cent of GNP.

607. In 1993 public non-capital expenditure on the Community Protection, Community Health Services and Community Welfare Programmes accounted for £557.4 million or 27 per cent of the total public non-capital expenditure. In 1988 the corresponding figure was 25.2 per cent and in 1983 was 22.5 per cent. Private health expenditure in 1993 was estimated at a further £618.5 million or 2.2 per cent of GNP.

Infant mortality rate, national childhood immunization programmes and life expectancy

608. See appendix B, figures 12.1 to 12.8.

National Primary Childhood Immunization Programme

609. Immunization against diphtheria, pertussis, tetanus, measles, poliomyelitis and tuberculosis is included in the recommended schedule of immunization. The timetable for the immunization programme is as follows:

At birth: BCG

At 2 months: diphtheria, whooping cough, 3 in 1 tetanus, polio (given orally), Hib (haemophilius influenza) type B

At 4 months: diphtheria, whooping cough, 3 in 1 tetanus, polio (given orally), Hib

At 6 months: diphtheria, whooping cough, 3 in 1 tetanus, polio (given orally), Hib

At 15 months: measles, mumps, rubella (MMR)

About 5 years: diphtheria (booster), tetanus (booster), polio (booster)

12 to 14 years if not protected (immune): BCG

10 to 14 years: MMR (both boys and girls)

610. BCG is available free of charge in maternity hospitals or BCG clinics run by the health board.

611. Immunizations against diphtheria, whooping cough, tetanus, polio and Hib at 2, 4 and 6 months and MMR at 15 months are available free of charge from contracting family doctors. (The vast majority of doctors are contracted to provide the National Primary Childhood Immunization Programme.)

612. The other immunizations are available free of charge from the health board and are generally administered in the schools.

613. Since December 1995 the national primary childhood immunization programme is being delivered by general practitioners. The programme was previously delivered through a combination of health board medical staff and GPs. Contracting general practitioners are responsible for ensuring that, as far as possible, there is an uptake level of 95 per cent among the children assigned to them.

614. The Health Boards are required to make special arrangements where the uptake of immunization among particular groups or in geographical areas is unacceptably low. A number of deficiencies in the previous method of delivery of the National Primary Childhood Immunization Programme, which related to the system of delivery, the absence of computerization in some areas and an inadequate system of reporting by general practitioners on vaccinations carried out, made it impossible to assess uptake levels accurately. The introduction of the revised system of delivery will enable each Health Board to make an annual report to the Department on:

(a) The system of delivery;

(b) The immunization uptake in each region;

(c) The number of children who have not been immunized;

(d) The measures taken to promote immunization and, in particular, the measures taken to follow-up the children who were not immunized; and

(e) The cost of the immunization programme.

Life expectancy

615. See appendix B, figure 12.7.

Proportion of pregnant women having access to trained personnel during pregnancy and at delivery

616. A maternity and infant care service is provided free of charge to all women. This includes the services of their general practitioner during pregnancy and general practitioner services for mother and baby for up to six weeks after the birth. It also includes in-patient and out-patient services in a public maternity hospital or in a maternity unit of a public general hospital. Health Boards also provide public health nursing and personal social services.

617. In 1992 antenatal care was provided for 99.4 per cent of live births and stillbirths.

Groups in society whose health situation is worse than that of the majority

618. The Health Strategy states that the principle of equity imposes a particular obligation upon the health services to pay special attention to geographic areas or population groups (such as Travellers) where the indicators of health status are below average. While most of the causal factors, such as poverty and unemployment, are identified as being outside of the direct control of the health services, the Strategy recognizes that much can still be done to improve health status through tailoring and organizing the delivery of health education programmes and community services to take account of the target groups.

619. Under the Health Strategy there is a specific policy of targeting resources towards areas or groups with low health status and giving them priority in the development of services. In this regard the health boards are required to identify "health development sectors" in each region on the basis of indicators of health status and social problems. Priorities are to be reordered to support pilot schemes which will target programmes at these sectors and evaluate their effectiveness over time in terms of improvements in the indicators.

620. It is considered to be too early to identify on a broad basis the strengths and weaknesses of the arrangements which have been put in place as only two years of the Four-Year Action Plan set out in the Strategy document have elapsed. Among the main tasks which have been achieved are:

(a) Production of a Health Promotion Strategy. The Health Strategy identified health promotion as the obvious starting point for any refocusing of the health services towards improving health status and the quality of life;

(b) Appointment of new Directors of Public Health in each Health Board who evaluate the health needs of their areas;

(c) Development of a plan for women's health following a widespread consultative process;

(d) Preparation of new mental health legislation.

621. The Four-Year Plan which accompanies the Strategy contains a number of specific initiatives to address the needs of the Travelling Community, the ill and dependent elderly, people with mental illness, people with mental handicaps and people with physical/sensory handicaps.

Measures taken to reduce the stillbirth rate and infant mortality and to provide for the healthy development of the child

622. The Child Health Service consists of a number of distinct components such as the Maternity and Infant Care Service, the National Primary Childhood Immunization Programme, the Public Health Nursing Service, the Pre-school Service and the School Health Service. These Services are designed to promote health in infants and children, to prevent illness and disease and to monitor the progress and development of infants and children with a view to identifying and rectifying defects at an early stage. They are significant factors in the survival and development of children.

Maternity and Infant Care Service

623. Under the current Maternity and Infant Care Service, free antenatal and post-natal care is provided for all women. Care is also provided for the infant up to the age of six weeks.

624. Instead of or as well as availing themselves of the services provided under the scheme, women may also avail themselves of outpatient antenatal services provided free of charge at public maternity hospitals.

625. Ireland's infant mortality rate has steadily declined in recent years and was 6.3 per 1,000 births in 1995. The under-five mortality rate was 1.5 per 1,000 in 1995. These rates compare favourably with other EU countries. The stillbirth rate in 1995 was 6 per 1,000 live and stillbirths.

National Primary Childhood Immunization Programme

626. See above (paragraphs 608-617).

Public Health Nursing Service

627. All new babies are visited and examined by the Public Health Nursing Nurse within a short period after discharge from the maternity hospital/unit. Babies continue to be seen regularly by the Public Health Nurse up to three years of age. Where a family has additional needs the Public Health Nurse visits as required. This service is in addition to the Pre-school Service.

Pre-school Service

628. The objective of the Pre-school Service is to monitor the progress of young children and to detect conditions or defects at an early stage. The service is based on a comprehensive developmental paediatric examination of children at the approximate ages of 6-9 months, 12-15 months and 24 months.

School Health Service

629. The objective of the School Health Service is to detect and prevent health defects in children and to promote health education and ongoing communication between schools and the local community care services. All children have access to school health services. The school medical examination may be conducted on the entire school, or selected classes or selected pupils on request by parents, teacher or nurse. In addition to the school medical, regular vision and audiometric testing is carried out by the Public Health Nurse. Children who fail these tests are referred for medical intervention. All necessary follow-up services for defects discovered during these examinations are provided free of charge.

Department policy regarding location of births

630. It is the Department of Health's policy that, on medical grounds, the delivery of babies should take place in consultant-staffed maternity units. This policy is in line with the recommendations of the Comhairle na nOspideal (Hospital Council) report, "Development of Hospital Maternity Services", which examined in detail the objectives of health care in relation to maternity services. It is generally accepted that this policy has contributed to the marked decrease in the level of maternal, perinatal and infant mortality.

631. These hospital services are staffed by highly trained and qualified medical and nursing staff and incorporate neonatal paediatric services which provide resuscitation and management for-low-birth weight babies.

Measures taken to prevent, treat and control epidemic, endemic, occupational and other diseases

632. The legal basis for the control of infectious diseases is contained in Part IV of the Health Act 1947 and in the Infectious Diseases Regulations 1981-1988. These Regulations declare certain diseases to be infectious and require notification of cases of the disease to medical officers of the appropriate Health Board. The regulations provide for the diagnosis and treatment of infectious diseases, the prevention of infectious diseases, the prevention of the spread of infectious diseases and for removing conditions which favour the spread of infection.

633. Control of communicable diseases essentially consists of immunization programmes to prevent certain infectious diseases (see above) and measures to control outbreaks of such diseases. The following diseases are subject to the Infectious Diseases Regulations: acute encephalitis, acute viral meningitis, anthrax, bacillary dysentery, bacterial meningitis (including meningococcal septicaemia), brucellosis, cholera, diphtheria, food poisoning (bacterial other than salmonella), gastroenteritis (when contracted by children under

two years of age), infectious mononucleosis, influenzal pneumonia, Legionnaires Disease, leptospirosis, malaria, measles, mumps, ornithosis, plague, poliomyelitis, rabies, rubella, salmonellosis (other than typhoid or paratyphoid), smallpox, tetanus, tuberculosis, typhoid and paratyphoid, typhus, venereal diseases, viral haemorrhagic diseases (including lassa fever and Marburg disease), viral hepatitis A, B and unspecified, whooping cough, and yellow fever.

634. The Food Hygiene Regulations 1950-1989 contain provisions designed to prevent certain food-borne communicable diseases. Only food which is fit for human consumption may be offered for sale to the public. A system of registration and inspection of all premises engaged in the manufacture, preparation and distribution of food for sale to the public is in operation.

635. Significant measures exist for the protection of the water supply (see below).

Measures taken to ensure that the rising costs of health care for the elderly do not lead to infringements of their right to health

636. The Health Strategy recognizes that there exists in Ireland a political and social consensus on the importance of an adequately funded, high-quality and equitable public health system. As outlined above, all Irish residents are eligible for a comprehensive range of health services. The Four-Year Plan which accompanies the Strategy specifically addresses the ill and dependent elderly and states that priority will be given to strengthening home, community and hospital services to provide support to elderly people who are ill or dependent, and to assist those who care for them. In particular, priority is being given to promoting healthy ageing, strengthening the role of the general practitioner, increasing the number of specialist departments of medicine of old age and providing additional places for convalescent care for elderly people who do not need acute medical care.

Measures taken to maximize community participation in the planning, organization, operation and control of primary health care

637. The development of health policy in Ireland has benefited greatly from the consultative process, both formal and informal. In preparing the Health Strategy, account was taken of the submissions made in the formal consultative processes which were instigated following the report of the Commission on Health Funding in 1989, and the 1991 announcement of the Government's general intentions for organizational reform in the health services.

638. When the Health Strategy was launched all interested parties were invited to consider the policy directions set out in the document. The Minister for Health stated that the views which emerged regarding the implications of the Strategy and how it may best be implemented would be taken into account in the detailed implementation of the Strategy both at national level and within the health board areas.

639. The Strategy document recognizes that the health and personal social services exist to serve the patient or client and that it must therefore be consumer orientated while placing an increased emphasis on the provision of the most appropriate care.

640. A plan for women's health is now being prepared which takes account of the consultative process which followed the publication of the discussion document on women's health as outlined in the Strategy.

Measures taken in Ireland to provide education concerning prevailing health problems and the measures of preventing and controlling them

641. Health education/health promotion at national level is the responsibility of the Health Promotion Unit of the Department of Health.

642. The major causes of premature illness and death in Ireland are coronary heart disease, cancer and accidents. Since lifestyle factors are implicated in these, much of the Health Promotion Unit's work consists in seeking to reduce the risk factors for heart disease and cancer such as smoking, alcohol abuse, unhealthy eating patterns, lack of exercise. The Unit also deals with the educational aspects of prevention of other illnesses, e.g. AIDS, and with the promotion of child vaccination programmes. Details on some of these programmes are provided below.

643. A Health Promotion Strategy was published in 1995 which reviewed the current health status of the Irish population and set out a detailed programme with specific goals and targets.

Nutrition education

644. See information already provided under article 11.

Initiatives on smoking in Ireland

645. Smoking is the largest single-dimensional issue on which the Health Promotion Unit organizes public education and health promotion programmes. These programmes form part of a comprehensive anti-tobacco strategy pursued by the Department of Health. This strategy also includes legislative and fiscal measures.

646. The percentage of the population over 15 years which smokes has decreased from 43 per cent in the early 1970s to around 27 per cent now. The Department of Health is committed to build on this success by encouraging people not to smoke. Recent evidence has been promising in that it indicates that the extent of the suspected growth in smoking among young women has not been confirmed.

647. While information and education constitute an integral component of an anti-tobacco strategy, such efforts must be supplemented by an environment that discourages smoking. The Department of Health has an extensive body of anti-tobacco legislation in place - some of which has been used as a model by the European Commission in framing its anti-tobacco directives.

648. The most recent piece of legislation - the Tobacco (Health Promotion and Protection) Regulations 1995 - strengthens previous legislation and prohibits and restricts smoking in designated public places including educational establishments, food areas, public transport, medical facilities and places of entertainment. The Department is also seeking to extend protection against environmental tobacco smoke to workers by means of a Voluntary Code of Practice against Smoking in the Workplace. This Code has been widely disseminated by the Health Promotion Unit in a booklet entitled "Clean Air at Work". The effectiveness of the Voluntary Code is now being evaluated.

649. The Department of Health has also pursued with the Department of Finance a strategy of ensuring, through budgetary measures, that the real price of cigarettes is at least maintained.

Health promotion in relation to alcohol and substance misuse

650. In recent years there have been several surveys on the use of alcohol by young people, including those of Johnson and Tubridy and O'Neill, where those involved were in their early teens. Each of these surveys produced disturbing results, indicating that teenage drinking is on the increase and that the attitude of young people towards alcohol needs to be addressed.

651. There is a consensus that the most effective approach to the issue of alcohol use and abuse generally, and by young people in particular, is in implementing a comprehensive national alcohol policy. Such a policy would address such issues as the economic, social, cultural, legislative and educational factors relevant to alcohol use and misuse. In pursuance of this strategy the Health Promotion Unit is developing such a comprehensive policy. Development work by the Unit is well advanced and has involved an intensive consultation process with relevant groups including youth organizations.

652. The work programme of the Health Promotion Unit gives a high priority to the issue of young people and alcohol. Details of some initiatives currently in place are given below.

653. The Health Promotion Unit provides a range of information on alcohol, including a series of three booklets relating specifically to young people and alcohol. These booklets are directed at young people themselves, their parents and youth leaders and have been widely disseminated and are available from the Unit.

654. The Health Promotion Unit has supported the development of broad comprehensive education programmes at Health Board level. Most notably, these include the Bi Follain, Primary School Health Education Programme, developed in the Mid Western Health Board, the Learning for Life Materials for second-level schools developed by Tipperary Education Council and the Lifeskills Programme for second-level and primary schools, developed in the North Western Health Board.

655. The Health Promoting School Network is a pilot programme which is being developed jointly by the Health Promotion Unit and the Psychological Service of the Department of Education with assistance from the Marino Institute of Education. It receives financial support from the European Commission.

Five primary and five second-level schools are participating in the Programme which will be coordinated by a project officer. The Programme is examining the impact of issues such as school ethos, attitudes of staff and school environment on the implementation of health promotion initiatives in the school. It is proposed to extend this programme.

656. The Health Promotion Unit gives financial support each year for the running of summer schools for second-level schoolteachers on substance misuse. The summer schools are facilitated by personnel from the Psychological Service.

657. The Child Abuse Prevention Programme "Stay Safe" was originally devised by the Eastern Health Board with the support of the Health Promotion Unit and is now available to all primary schools throughout the country. A team of social workers and teachers have provided in-service training for primary teachers from all schools. The Departments of Health and Education are represented on the Steering Committee and the Health Promotion Unit has provided funding for the printing of materials.

658. The Infection Control Guidelines for Schools is a joint Department of Health/Department of Education initiative undertaken in conjunction with a consultant paediatrician with a special interest in infectious diseases. An infection control manual has been developed for all schools which should assist school personnel in differentiating between infections which are less serious and those which need medical attention. It gives an easy-to-follow guide on what each infection is, how it is transmitted and how to break the chain of infection.

659. The Smoking Cessation and Reduction Action Programme (SCRAP) is a peer-led anti-smoking programme for 12/13-year-olds, which was developed by the Health Promotion Unit in conjunction with the Irish Cancer Society, the National Youth Federation, and with support from the Department of Education. Based on evaluation results, the programme has now been made available to all second-level schools.

660. A nutrition programme in primary schools is currently being developed by the Health Promotion Unit in conjunction with the North Western Health Board. A primary teacher has been seconded to the position of Project Officer for the duration of the programme. Resource materials should be available for wider distribution to other parts of the country in autumn 1995.

661. The "Get Into Life" - Cancer Education Materials project was developed by the Health Promotion Unit in conjunction with the National Youth Council of Ireland, primarily for use in the non-formal education sector, but it may also be used as a resource in schools. The materials aim to enable young people to examine their own lifestyles and adopt healthy behaviour that will be a defence against life-threatening illnesses such as cancer.

662. Ireland is a very active participant in the Europe Against Cancer Programme which seeks to reduce deaths from cancer by 15 per cent by the year 2000. A National Co-Ordinating Committee has been in existence since 1988 to bring together the major statutory and voluntary agencies involved. The Health Promotion Unit is the government agency at national

level involved in the information education aspects of the Programme. A ten-point Cancer Code developed by a European cancer experts group was widely disseminated in the late 1980s and again in 1995. Since then EU support has been received for a variety of more detailed initiatives on smoking, alcohol, nutrition and healthy lifestyles generally. Many of these initiatives have taken place among the public, in schools, in workplaces and among health professionals. A special Cancer Week is held each year to focus public attention on the issue. The theme for the 1996 week is "Skin Cancer and Taking Care in the Sun".

663. As part of the National AIDS Strategy the Health Promotion Unit coordinates a National AIDS Prevention Campaign.

664. The Health Promotion Unit worked with the Community Health Division of the Department of Health to promote ongoing programmes to encourage maximum uptake of primary childhood immunization.

665. The Health Promotion Unit maintains a public office through which the public can request, in person, by letter or by phone, information leaflets on a wide range of health education issues including smoking cessation, nutrition, alcohol, AIDS, women's health, drugs/substance abuse, childcare and general health matters.

666. In addition to the structures at national level there are eight Regional Health Boards. Health Boards have responsibility for developing and implementing health promotion programmes at local level as well as coordinating the local aspect of national campaigns.

667. There is a wide variety of voluntary and self-help organizations in Ireland relating to specific health issues. Many of them engage in health education initiatives for the public and receive financial support from the Health Promotion Unit for this aspect of their activity.

The role of international assistance in the realization of the rights enshrined in article 12

668. Ireland has always taken full account of the international dimension of the development of health services. The Health Strategy reaffirms this position and the following areas in particular are addressed.

EU

669. The targets in the Health Strategy take account of developments in the European Union. The Maastricht Treaty contained a new article giving the EU a formal involvement in health matters. Article 129 states:

> "The Community shall contribute towards ensuring a high level of human health protection by encouraging cooperation between the Member States, and if necessary, lending support to their action. Community action shall be directed towards the prevention of diseases, in particular the major health scourges, including drug addiction, by promoting research into their causes and their transmission, as well as health information and education."

670. The Commission has identified a number of areas for priority action including health promotion, health data and indicators, cancer, drug misuse, AIDS and other communicable diseases, intentional and unintentional accidents and injuries, and pollution-related diseases.

WHO

671. Ireland has maintained close links with the World Health Organization. WHO has a particularly important role in promoting the multisectoral aspect of health and the Health Strategy underpins that approach. The targets set in the Health Strategy are influenced by the WHO "Health for All" targets. The Strategy is also influenced by the six main themes of the WHO programme:

Promotion of equity

Health promotion and prevention of disease

Development of active participation

Multisectoral cooperation

Focus on primary health care

Development of international cooperation

North/South

672. In addition to the links at international level there is also an important element of North-South cooperation on health matters in Ireland. There are significant benefits in the area of joint purchasing of supplies and in the provision of services at a supra-regional level. Cooperation is also of obvious value in relation to joint approaches to health promotion.

Recent initiatives: mental health legislation

673. Following on from the commitment in the Health Strategy, new mental health legislation has been prepared. This legislation will bring Irish legislation in relation to the detention of mentally disordered patients into conformity with the European Convention on Human Rights.

Measures taken to improve all aspects of environmental and industrial hygiene

Environmental protection policies

674. Environmental protection policies and activities, including those of the Department of the Environment and of local authorities, also contribute to the protection of public health, particularly in relation to issues of water quality, air quality, sanitation and waste management. A brief overview of these issues is given below.

Water quality and sanitation

675. The major public funding priorities of Irish environment policy in recent years have been to meet drinking water quality standards fully and consistently in all areas, and to eliminate pollution of inland and marine waters by sewage discharges. Total capital spending on water services in the years 1990-1994 was £442 million; this included almost £175 million on water supply projects.

676. Strong legislative provisions are in force to control water quality; these include the Local Government (Water Pollution) (Amendment) Act, 1990 and the Environment Protection Agency Act, 1992, as well as a range of Regulations which transpose EU Directives on issues such as the discharge of various harmful substances in water, the quality of drinking water, bathing waters and shellfish waters, and the collection and treatment of urban waste water.

677. Most surface waters are of high quality (over 70 per cent are unpolluted and less than 1 per cent are seriously polluted) and can support the most sensitive uses, including drinking water supply and salmonoid fisheries. Groundwater reserves, which supply on average 25 per cent of drinking water needs, are also of good quality, with no evidence of significant or widespread contamination. The most recent report on the quality of drinking water recorded compliance levels in excess of 99 per cent in respect of the stringent standards which apply to the main health-related parameters.

Air quality

678. Ireland's air quality is generally good. National air quality standards (reflecting similar EU standards) are in force for suspended particulates (smoke), sulphur dioxide, nitrogen dioxide and lead, and a range of measures is being pursued to maintain and improve air quality.

679. Urban air quality in Dublin has been improved by the introduction in 1990 of a ban on the marketing, sale and distribution of bituminous coal; comparison of the before and after concentrations of smoke show that air quality is now significantly better than the national standard. A similar ban was introduced in Cork in 1995 as a precautionary measure, as smoke levels in the city consistently threatened (though never breached) the national standard.

680. Other measures taken to protect and improve air quality include vehicle emissions controls and fuel environmental standards. Following a series of campaigns in recent years promoting the use of unleaded petrol, its market share now stands at over 52 per cent, compared to less than 10 per cent in 1989. This market share will continue to grow, as all petrol-engined vehicles must use only unleaded petrol to comply with vehicle emissions standards implemented in 1993.

Waste management

681. Irish waste policy seeks to reflect the primacy accorded in EU and United Nations Conference on Environment and Development (UNCED) policy to

waste prevention, reduction and reuse. The emphasis on waste prevention and minimization contained in the Environmental Protection Agency Act, 1992 is reinforced in the Waste Bill, 1995.

682. The Operational Programme for Environmental Services, 1994-1999, includes a waste management subprogramme dealing with the improvement of waste management infrastructure and systems. Investment of some £30.5 million will be undertaken during the period to 1999 to develop waste management strategies at local and/or regional authority level, improve recycling infrastructure and support the provision of appropriate hazardous waste infrastructure.

683. The national recycling strategy "Recycling for Ireland", published by the Department of the Environment in July 1994, focuses on recycling from the household and commercial waste streams; its target of recycling 20 per cent of such waste is to be achieved by the end of the five-year period of the strategy.

684. Under the Waste Bill, the Environmental Protection Agency will be required to prepare a national hazardous waste management plan; specific proposals to grant-aid new hazardous waste infrastructure will be devised following the making of this plan.

ARTICLE 13

685. Ireland made a reservation to article 13, paragraph 2 (a), in the following terms.

> "Ireland recognizes the inalienable right and duty of parents to provide for the education of children, and, while recognizing the State's obligations to provide for free primary education and requiring that children receive a certain minimum education, nevertheless reserves the right to allow parents to provide for the education of their children in their homes provided that these minimum standards are observed."

Introduction

686. Irish society has been undergoing a period of profound cultural, social, occupational, demographic and structural change. This is of great significance for the educational system and how it relates to society generally. Irish people, always well informed about and interested in educational developments, have become more active participants in the debate on education in recent years. Specifically, parents and teachers are seeking more effective participation in the formulation and implementation of educational policy. Furthermore, the major developments in education and in Irish society generally over the past 25 years have highlighted a number of important issues that must be addressed.

687. The current legal basis for Ireland's education system could be described as a combination of legislation and regulation, with much of the existing legislation stemming from the nineteenth century. Ireland is probably unique among European countries in the degree to which it administers an education system without a comprehensive legislative structure.

688. Article 42 of the Constitution acknowledges that the primary and natural educator of the child is the family and guarantees to respect the inalienable right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children. Parents are free to provide this education in their homes or in private schools, or in schools recognized or established by the State.

689. The Constitution contains the basic provisions on the right to education and these provisions are implemented by circular and directive, providing the framework within which schools operate.

690. The Government's White Paper, "Charting our Education Future", published in April 1995, proposes a comprehensive, radical reform of the Irish education system. A number of important principles underpin the approach to the White Paper. These include the promotion of quality, equality, pluralism, partnership and accountability. These principles are promoted within a framework which requires the State to protect and promote fundamental human and civil rights, to promote the holistic development of individual students and to empower their fullest participation in society and the economy.

691. The White Paper envisages new institutional and organizational arrangements for the delivery of education services. At school level, Boards of Management will be established for all first- and second-level schools in receipt of government funding. Major changes in relation to in-school management will be implemented. The White Paper also proposes the establishment of new regional educational structures - Education Boards - which will be established subject to the agreement of the Government. These Boards will be responsible for the planning and coordination of educational provisions in their regions. The Boards will be representative of school patrons, trustees, owners, governors, parents, teachers, public representatives, ministerial nominees and the wider community.

692. It is intended that the proposals set out in the White Paper will be underpinned by legislation and will provide a comprehensive framework for educational development at the end of the twentieth century.

The full realization of the right of everyone to education

Responsibility of the Minister for Education

693. Overall responsibility for education in Ireland lies with the Minister for Education who is a member of the Irish Government and responsible to the National Parliament (Dáil and Seanad).

694. The internal structure of the Minister's Department corresponds roughly to the three main levels of the education system, first, second and third levels. In addition there are a number of support sections dealing, for example, with personnel and accounts requirements for the whole Department, with units for Press and Information, and International Affairs. The Inspectorate, which is headed by a Chief Inspector, is the main liaison between the schools and the Department of Education. It is responsible for inspection and evaluation of teachers; counselling and demonstrating; planning of curricula and administration of tests and examinations; organization and

participation in service courses for teachers; liaising with teacher Colleges of Education; interviewing teachers for some posts; generally acting as information officers on behalf of the Department of Education. At senior level, inspectors assist in formulation of policy and may advise the Minister.

695. The role of the Department of Education has to be seen against the background of historical developments and constitutional provisions.

Historical background and the Constitution

696. The historical background to these constitutional provisions is that in the nineteenth century, British authorities encouraged the development of a primary school system based on voluntary local initiatives, under local control and management. The State did not undertake to provide schools but agreed to aid their provision in response to local initiatives. These local initiatives were mostly undertaken by the churches with the result that the system became, in practice, a denominational one.

697. Article 42 of the Constitution of Ireland relates to education and the relevant provisions are as follows:

> "1. The State acknowledges that the primary and natural educator of the child is the Family and guarantees to respect the inalienable right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children.
>
> "2. The Parents shall be free to provide this education in their homes or in private schools or in schools recognized or established by the State.
>
> "3.1 The State shall not oblige parents in violation of their conscience and lawful preference to send their children to schools established by the State, or to any particular type of school designated by the State.
>
> "3.2. The State shall, however, as guardian of the common good, require in view of actual conditions that the children receive a certain minimum education, moral, intellectual and social.
>
> "4. The State shall provide for free primary education and shall endeavour to supplement and give reasonable aid to private and corporate educational initiative, and, when the public good requires it, provide other educational facilities or institutions with due regard, however, for the rights of parents, especially in the matter of religious and moral formation."

The parental role and the Church's role

698. The Constitution acknowledges that the primary and natural educator of the child is the family. Although most parents choose to avail themselves of formal schooling for their children, the role of the family in the child's development remains central up to and into adulthood.

699. Every school has a tangible quality defined by its physical and organizational structures. However, it also has the critical, intangible character called "ethos", which encompasses collective attitudes, beliefs, values, traditions, aspirations and goals. It is important to emphasize that the ethos of a school is an organic element, arising, first and foremost, from the actual practices which are carried on in that school on a daily, weekly and yearly basis.

700. School ethos is of legitimate concern to parents, given their rights and responsibilities in the education of the child. These educational rights and responsibilities reinforce the school's interest in fostering and protecting its particular ethos. The protection and promotion of the school's ethos is also a particular and legitimate right of those patrons, trustees, owners and governors to whom parents entrust the education of their children. While each school may properly nurture and support its particular ethos, it is also obliged to acknowledge and reflect the principles and requirements of a democratic society, respecting the diverse beliefs and ways of life of others.

701. Educational principles and rights are derived from the fundamental aim of education to serve individual, social and economic well-being and to enhance quality of life. Basic educational principles set out in the White Paper are pluralism, equality, partnership, quality and accountability. Based on these principles, the White Paper sets out the following statement of educational aims, incorporating individual and societal development, as a basis for active reflection by the partners, as a guide to policy formulation and as guidelines for inclusion in the daily practices of teaching and learning in schools and colleges. The aims are:

(a) To foster an understanding and critical appreciation of the values - moral, spiritual, religious, social and cultural - which have been distinctive in shaping Irish society and which have been traditionally accorded respect in society;

(b) To nurture a sense of personal identity, self-esteem and awareness of one's particular abilities, aptitudes and limitations, combined with a respect for the rights and beliefs of others;

(c) To promote quality and equality for all, including those who are disadvantaged, through economic, social, physical and mental factors, in the development of their full educational potential;

(d) To develop intellectual skills combined with a spirit of inquiry and the capacity to analyse issues critically and constructively;

(e) To develop expressive, creative and artistic abilities to the individual's full capacity;

(f) To foster a spirit of self-reliance, innovation, initiative and imagination;

(g) To promote physical and emotional health and well-being;

(h) To provide students with the necessary education and training to support the country's economic development and to enable them to make their particular contribution to society in an effective way;

(i) To create tolerant, caring and politically aware members of society;

(j) To ensure that Ireland's young people acquire a keen awareness of their national and European heritage and identity, coupled with a global awareness and a respect and care for the environment.

702. Ireland has a rich cultural heritage. The education system has an important role to play in its conservation and development by supporting the Irish language and traditions, Irish literature, music and other cultural activities.

703. Education empowers individuals to participate fully and creatively in their communities. Time spent in education is not just a preparation for life, but is also a lengthy and important period of life itself. For this reason, the importance of collective, as well as individual, development is a key educational aim. Increasingly in the future, continuous education and retraining will be a feature of people's lives, with initial education forming a foundation which will be built upon regularly. The education system should help to build up and empower communities economically, socially and culturally.

Statistics

704. The number of students in primary education has increased steadily over the period 1965 to 1987 (the peak year) and has been declining since then; it is projected to continue to decline very substantially over the next decade. In 1991, almost 100 per cent of all children who had reached the age of five were receiving full-time formal education.

705. By contrast, numbers at the second level have increased by over 130 per cent since the mid-1960s and, at third level, the increase has been even more dramatic, with numbers increasing by over 230 per cent during the same period.

706. Currently, over 93 per cent of 16-year-olds, 75 per cent of 17-year-olds, and about 50 per cent of 18-year-olds are in full-time education. Some 73 per cent of those who enter second-level education complete the senior cycle. Almost 40 per cent of the age group now proceed to third-level education, compared with 20 per cent in 1980, while a further 20 per cent follow a post-second-level vocational training programme within the school system.

707. One policy target is that by the end of the decade, 90 per cent of the age group would complete the senior cycle. By mid-decade, it is anticipated that over 45 per cent of the age group would be transferring to third level and a further 25 per cent to post-second-level vocational training programmes.

708. Accordingly, the decline in enrolments at primary level is expected to be significantly offset by an increase at second level, because of higher participation rates and also as a result of the introduction of the three-year senior-cycle option. As a result, enrolments in mainstream programmes are not expected to decline from their current level until the beginning of the next century.

709. At the same time, participation in post-second-level vocational training programmes is expected to increase from its current level of 14,000 to about 20,000 by the year 2000. These numbers, taken in conjunction with the projected expansion of the Vocational Training Opportunities scheme for the long-term unemployed, are likely to increase, as plans to provide second-chance education and training, particularly for the unemployed, come to fruition.

710. Numbers at third level are expected to increase steadily over the decade. It is expected that, in addition to the demand for third-level education arising from direct entry from second-level schools, there will be an increasing demand arising from the requirement of industry for recurrent education and training of the workforce and the growing numbers of mature students entering the system.

Pre-school education

711. There is no national system of pre-schools or nurseries in Ireland. However, primary schools may accept pupils on or after their fourth birthday. Although the statutory age for primary school entry is six years, the actual starting age is invariably earlier.

712. The programme of instruction followed during the two years of pre-compulsory schooling is part of an integrated programme extending over the eight years of first-level schooling.

713. The pre-school educational services which do exist have developed mainly on a voluntary private basis. Provision of this kind is not normally aided by the Department of Education, and is not part of the formal education system. However, the Child Care Act, 1991 empowers the Ministers for Education and the Environment to make regulations for the purpose of securing the health, safety and welfare and promoting the development of pre-school children attending private institutions.

714. In October 1994, the Minister for Education introduced a pre-school scheme - the Early Start programme. This is a one-year programme targeted at children who are deemed to be most at risk of educational failure. The programme was introduced initially into eight locations. In 1995, a further 32 locations were included. These locations are in Dublin, Cork, Limerick, Waterford, Drogheda, Galway and Dundalk.

715. The State does provide pre-schooling for the children of Travellers. Some 40 pre-schools for Travellers' children, run by local voluntary bodies, are given grants by the Department of Education towards tuition and transport costs. Day-care services for children - especially those of disadvantaged families - are normally provided by voluntary organizations and private

individuals with encouragement and financial support from the Department of Health. Also, the Department of Health, through the aegis of the Health Boards, provides substantial services for children with disabilities before they reach the compulsory school-going age of six years.

Primary education

716. In Ireland the primary education sector comprises national primary schools, special schools and non-aided private primary schools. Private primary schools are autonomous in ownership and administration, and there is no provision for the Department of Education to monitor the curriculum offered in such schools, although normally teachers in these establishments are fully qualified. There is no public funding for these schools, the costs of which are met by parents' fees.

717. In 1975 a system of Boards of Management was established for primary schools, replacing management by an individual, usually a local clergyman. Boards are responsible for the day-to-day governing of the schools, subject to the regulations laid down by the Department of Education in the "Rules for National Schools" and in circulars and directives issued from time to time. Each school has a patron, usually a senior authority of the appropriate denomination. Reflecting the size of the various religious denominations, most patrons are from the Catholic Church with a significant number from the Church of Ireland (Anglican Communion/Protestant Episcopal Church) and other Protestant Churches. In multidenominational schools, the patron is a committee constituted as a limited company.

718. A Jewish primary school was opened in Dublin in 1933. English is the teaching language of the school, although Hebrew is taught by visiting teachers to the school because of its religious importance; this aspect of the curriculum is under the general control of the Chief Rabbi of Ireland. In 1990, a Muslim primary school was opened in Dublin and recognized by the Department of Education. There are approximately 100 pupils enrolled coming from a wide catchment area in Dublin. English is the language of instruction and Irish is also taught in the school. The teachers are Irish and Irish-trained but the Imam appoints qualified teachers of Arabic to teach in a pre-school and in the primary school (see also below).

719. Although compulsory education does not start until age six years, some 54 per cent of Irish children aged four years and 99 per cent aged five attend primary school.

720. As far as possible primary schools have single-grade classes. However, in smaller schools it may be necessary to combine class levels with one teacher. (See appendix B, figure 13.1.) Generally speaking, pupils progress to the next grade at the end of the year, although exceptions do arise. There is no formal end-of-year examination.

721. Research has shown that the amount of time which students spend in organized learning activities has a critical bearing on their academic performance and all-round development. A circular, "Time in School", has recently been issued to all primary schools. It is designed to confirm the

integrity of the school day and the school year and to ensure that pupils receive a minimum number of teaching hours per day and days per year.

722. Primary education is founded on the belief that high-quality education enables children to realize their potential as individuals and to live their lives to the fullest capacity as is appropriate to their particular stage of development.

723. In primary schools development education is accorded high priority. Teachers seek to cultivate attitudes of understanding and appreciation of how people live in the world today. This is being done in a formal way in religion, geography and history classes and in an informal way when dealing with current affairs issues.

724. While parents are free to choose schools for their children, factors such as geographic location in relation to a particular school and feasibility of travel may limit that choice. Children generally attend their local primary schools.

Second-level education

725. The second-level education sector in Ireland comprises secondary, vocational, community and comprehensive schools.

726. Until 1967, tuition fees were payable in secondary schools, but in 1967 a scheme of free education was introduced. The scheme sought to ensure equality of educational opportunity at second level for all young people, regardless of their family circumstances. At present, about 95 per cent of secondary schools participate in the scheme.

727. Secondary schools, although privately managed, receive considerable financial assistance from the Department of Education: payment almost in full of teachers' salaries and allowances; 90 per cent of the cost of approved building and equipment; capitation grants for each eligible pupil; payment of grants in lieu of tuition fees to schools participating in the free education scheme.

728. About 93 per cent of the total cost of vocational education is provided by the Department of Education. The balance is provided by receipts generated by the Vocational Education Committees. Comprehensive and community schools are financed entirely by the State through the Department of Education.

729. The vast majority of all schools operate five days a week, although a number of secondary schools remain open six days a week. Most schools provide instruction for six hours each day, classes lasting approximately 40 minutes each.

730. A pupil-teacher ratio is applied in all second-level schools. The present ratio is approximately 19:1.

State examinations at second level

731. All schools operate the certificate courses laid down by the Department of Education and enter their pupils for the same national examinations. Examination papers are produced by the Department of Education. The actual marking of candidates is done by teachers, under the supervision of assisting advisory examiners, who are in turn directed by Chief Examiners who are always Departmental Inspectors.

732. The Junior Certificate examination. A new unified system of assessment and certification at junior cycle was introduced in 1992. This new certificate replaces the former Intermediate and Day Vocational (Group) Certificates. Pupils who have completed the approved three-year junior cycle programme in second-level schools are eligible to sit the examination for the award of the certificate.

733. Within the context of the Junior Certificate, a range of syllabi were introduced in some existing subject areas, with technical adjustments in other syllabi. In order to allow for differences in the needs, abilities and aptitudes of young people, within the Junior Certificate programme subjects are offered at two levels for certification: Ordinary and Higher. Mathematics, Irish and English are offered at three levels: Foundation, Ordinary and Higher.

734. The National Council for Curriculum and Assessment (NCCA) was responsible for devising the Junior Certificate programme. The NCCA stressed that all students should follow a broad and balanced programme with the emphasis on "learning by doing". Two areas highlighted for development in the Junior Certificate are technology and modern languages.

735. The Leaving Certificate examination. At the end of compulsory schooling, pupils may follow a further two-year course at senior cycle at a second-level school, leading to the Leaving Certificate examination. This examination has as its stated aim "to prepare pupils for immediate entry into open society or for proceeding to further education". Three out of four students transfer to the Leaving Certificate programme which is of two years' duration. It is used for a variety of purposes, for example, as an entry qualification for a range of third-level institutions, including the universities, and as a selection test for entry to many kinds of employment. This variety of use makes the Leaving Certificate a dominant influence upon much of the work of second-level schools, affecting curriculum, methodology, assessment and organization.

736. A transition year option was introduced in 1987. It is designed to cater for pupils who have just completed their junior cycle and who want to study for the Leaving Certificate but who are considered too young and immature to begin the programme yet. It is also designed for pupils who wish to leave school after one year in senior cycle. Approximately 5,500 pupils avail themselves of this option annually.

737. A Curriculum Development Centre in the mid-west of the country has prepared a series of courses which a number of schools in the region offer as an alternative to the regular Leaving Certificate programme. Students who successfully complete the programme are awarded a qualification entitled the Senior Certificate.

General matters relating to schools

Teacher training

738. The training of teachers for first-level schools is provided in specialized teacher training colleges which are managed by religious authorities but largely financed by the State. There are five such colleges in Ireland. All first-level teachers are awarded a university degree on completion of their studies.

739. Teachers in second-level schools are trained in university postgraduate (Higher Diploma in Education) courses, which most of the universities offer, or in teacher training colleges for particular curricular specialities such as Home Economics, Art and Design, Physical Education and Catechetics.

Irish in schools

740. All primary and second-level pupils are required to study Irish unless they are specifically exempted from doing so by the conditions of exemption drawn up by the Department, which are mainly concerned with pupils who have been partly educated abroad before enrolling in a school in Ireland and pupils with particular learning disabilities.

741. In response to local demand, schools may be established in which pupils are educated through the medium of Irish. In recent decades, the number of these schools outside Irish-speaking areas, the Gaeltacht, has been increasing and there are now 10,000 pupils enrolled in these schools. Extra financial and teaching resources are provided to these schools and each teacher receives a special annual allowance for teaching through Irish.

742. A daily grant per student is paid to Irish-speaking households providing accommodation for students attending Irish language courses in the Gaeltacht. Annual grants are also paid in the Gaeltacht areas to Irish-speaking households with school-going children.

Helping students to achieve their potential

743. Various measures have been introduced to identify and to provide support for students who have particular educational needs, either because of their socio-economic status, or unfortunate emotional experiences, or because of their general or specific learning difficulties.

744. A specific measure which has been developed over time to assist students who are underachieving in literacy and numeracy has been the appointment of remedial teachers in schools. These teachers work with individual students or

with small groups of students. The role of the remedial teacher has developed with time, and remedial teachers are functioning also as resource teachers to the principal, other members of staff, and parents.

Remedial teachers

745. Over the years 1993, 1994 and 1995, the Minister has allocated a total of 241 additional remedial teachers to primary schools, bringing the total number of remedial teachers available to primary schools to 1,188. This has meant that the number of primary pupils having the possibility of access to a remedial service has risen from 77 per cent in 1993 to 87 per cent in 1995. Of the 3,203 primary schools in the country, 2,285 now have a remedial service, i.e. a coverage of 71 per cent. Of the 509,000 primary pupils, 444,000 have a remedial service, i.e. 87 per cent. On the primary side it is considered that the level of coverage which has been achieved is such that no further allocations should be made (other than in the most exceptional case) pending a review of the effectiveness of current services.

Resource teachers

746. This new model of response was first introduced in 1993. The resource teacher acts as a special support to ordinary teaching staff in dealing with children with disabilities who are integrated into ordinary primary schools. A total of 29 resource teachers have been allocated since 1993. They can operate in one school or in a group of schools, depending on the location of the special needs children. The resource teacher model will play a key role in the future development of services for children with disabilities who are integrated into ordinary schools.

Visiting teachers (for children with disabilities)

747. There are a total of 38 visiting teachers in this service. They provide back-up support to ordinary school teaching staff. They focus on children with visual or hearing impairment and children with Down's syndrome.

Visiting teachers (for Traveller children)

748. There are a total of 12 visiting teachers in this service.

Teaching supports for disadvantaged pupils

749. A total of 309 primary schools have been allocated 293 ex quota concessionary teaching posts under the Disadvantaged Areas Scheme. The schools in question have a total enrolment of 81,000 pupils.

750. Schools which have disadvantaged status may also be supported by the Home/School Links Scheme (see under article 10). Since 1993, a total of 60 additional Home/School/Liaison Coordinators have been appointed, bringing the total now in place in the primary sector to 105. The service is now available to 181 schools involving 53,000 pupils.

751. As a special initiative in 1995, the Minister appointed 27 teacher counsellors to 31 primary schools in the North Inner City and Tallaght/

Clondalkin areas of Dublin. The role of the teacher counsellor is to deal with disturbed/disruptive pupils who require special attention and whose behaviour is disrupting the best efforts of other pupils. The operation of the teacher counsellor initiative is being closely monitored by the Department's Inspectorate.

Achievement of adequate levels of literacy and numeracy at primary level

752. The achievement of an adequate level of literacy and numeracy is critical to the future success of students. The evidence indicates that most of those who leave school early do not have an adequate basis in literacy and numeracy and, as a result, are not able to benefit fully from second-level education. A major concern under programmes for early school-leavers, such as Youthreach, is to provide literacy and numeracy education, in order to alleviate difficulties that might have been more effectively remedied at an earlier stage of education.

753. A fundamental aim of the revised primary curriculum will be to enable students to communicate clearly and confidently in their first language through speech, reading and writing and to acquire basic numeracy and problem-solving skills.

754. The objective will be to ensure that, having regard to the assessment of their intrinsic abilities, there are no students with serious literacy and numeracy problems in early primary education within the next five years.

755. The achievement of this ambitious, but vital, objective will be addressed in the revised primary curriculum. This will be accomplished through the following means: a greater emphasis on the early identification of children with learning difficulties; adapting the curriculum to individual needs; the use of appropriate assessment methods; expansion of the school psychological service; home-school links programme; in-career training programmes for teachers; and analysis by schools of their literacy and numeracy programmes and staff development policies.

756. In future, all schools will be required to include in their school plans a strategy, with defined objectives and associated performance measures, for achieving basic literacy and numeracy targets. The provision of enhanced resources and programmes and other support services to schools will be based on a clear strategy of intervention agreed between schools and the education boards, in accordance with national guidelines. This will ensure the more effective use of resources and will facilitate the evaluation of the effectiveness of intervention measures.

Special help at second level

757. In order to complement the efforts of the primary schools, follow-up measures will be necessary to identify the particular needs of students at risk as they commence their second-level education:

(a) A range of courses, at alternative levels, within the new junior cycle programme, which are attractive to a wide range of abilities;

(b) Special programmes for the minority of students whose particular needs are not met within the junior cycle courses;

(c) Expansion of the home/school links programme to second-level schools, to increase students' motivation and to reduce absenteeism;

(d) Improved availability of guidance counsellors to strengthen schools' ability to identify needs and provide counselling and guidance;

(e) Allocation of more staff, as they become available, to remedial and other special needs;

(f) Dissemination of information on successful support programmes for poorly motivated students, and on the work of innovating schools, to encourage more schools to develop their own responses to the needs of their students.

758. Many of the students who need special help start their second-level education later than the desired 12 years of age. As a consequence, they will not have completed three years of second-level schooling if they choose to leave on reaching the current age of compulsory schooling in Ireland (15 years). It is for this group, in particular, that it is proposed that the school-leaving age should be raised to 16. In this way, such students would have the opportunity to avail themselves of at least three years of second-level schooling before reaching school-leaving age. If these measures prove successful in improving the achievement levels and motivation of such students, there is every hope that they may wish to continue in education beyond the compulsory stage.

759. On the basis of their own assessment of student progress, together with the results of external tests at the end of the junior cycle, schools will be able to help young people and their parents to choose the appropriate programmes at senior level. The wider range of options within the new structure for the senior cycle are directed towards the needs of all ability levels. Cooperation between smaller schools and smaller centres will be necessary if they are to be in a position to avail themselves of the various options in order to cater effectively for all their students.

Meeting the educational needs of Travellers

760. The statistics for enrolment and school attendance among Traveller children have improved significantly in recent years. There are 5,000 Traveller children of primary-school age or younger in Ireland and it is now estimated that approximately 4,600 of these (92 per cent) attend either pre-school or primary school. However, very few Travellers attend secondary school.

761. The Government is seeking to develop further the educational service for Traveller children at pre-school, primary and secondary levels to ensure the participation of the children not attending at present and to seek the maximum possible integration of Traveller children into ordinary schools.

762. At pre-school level, 55 schools with an approximate enrolment of 660, located adjacent to halting sites, provide special preparation for the

children before enrolment in primary schools. The State provides almost the total costs of these pre-schools which were established by voluntary bodies. The aim is to provide children with basic skills in literacy, numeracy and social behaviour in preparation for primary school.

763. During 1994, a booklet entitled "The Education of Traveller Children in National Schools: Guidelines" outlining strategies for integrating Travellers into the primary school system was issued to all primary schools. Significant success has already been achieved as approximately 4,000 children of Travellers, some of whom are over 12 years of age, attend mainstream classes. Where full integration is not immediately possible, special classes are provided to enable Traveller children to prepare for such integration.

764. Special measures at primary-school level include the provision of extra funding and almost 200 extra teachers to schools enrolling Traveller children and the development of reading materials for use with these children.

765. The objective at second level is to integrate Traveller children into mainstream education. In the interim, the Department of Education is supporting 11 Junior Training Centres which cater for Traveller children in the 12-15 age group. These centres aim to provide a form of second-level education for Traveller children sufficiently relevant and attractive to encourage them to continue attending school.

766. A visiting teacher service for Travellers, consisting at present of 12 visiting teachers, provides special support for children attending ordinary primary schools by calling at the schools and families, liaising with Health Boards and voluntary agencies, and encouraging participation in the education system. It is also intended to appoint visiting teachers at second level. In addition, a National Education Officer for Travellers has responsibility for coordinating the education of Travellers in all areas and at all levels. Further development of the provision for Traveller children, particularly at second level, is planned.

767. Training of Travellers of 15 years of age and over is provided through a network of Traveller training centres managed by locally based management committees and jointly funded by FÁS (the State Training and Employment Authority) and Vocational Education Committees. The goal of the training centres is to help Travellers develop their full potential and to enable them to become self-reliant and self-supporting members of society. Training is provided for 48 weeks during which a training allowance is paid to participants and around 600 attend the centres each year.

768. Each distinctive group within a democracy has a right to participate fully in its educational system and to have its tradition respected. Traveller children will be encouraged to enjoy a full and integrated education within the schools system. All educational institutions which receive public funding have a responsibility to provide for Travellers who wish to attend them.

769. The placement of Traveller children in special schools and classes will be done only on the basis of special educational need. If they need extra

help, this will be given, as it is to other children with learning difficulties, through withdrawal from the ordinary class for a limited period, or through support teaching within the ordinary class.

770. The participation rates of Traveller children at all levels of the education system are unacceptably low for a democratic society. The policy objective is that all Traveller children of primary-school age be enrolled and participate fully in primary education, according to their individual abilities and potential, within five years. Responsibility for achieving this objective will rest with the education boards, supported by specific actions as follows:

(a) The inclusion in school plans of admissions policies for Travellers, in accordance with national and regional guidelines;

(b) The continuing development by the National Council for Curriculum and Assessment of appropriate curriculum and assessment procedures to meet the special needs of Traveller children, including the provision of appropriate texts and materials;

(c) The continuing development of the visiting teacher service;

(d) The provision of modules on Traveller culture in teachers' pre-service and in-career development programmes;

(e) Comprehensive and regularly updated quantitative and qualitative surveys of Traveller education;

(f) The monitoring of school attendance patterns.

Travellers at second level

771. Information currently available indicates that only a minority of Traveller children over 12 years of age continue in full-time education. About half of these are in Junior Training Centres, while the remainder are enrolled either in primary or second-level schools.

772. The Junior Training Centres, of which there are 11, were established with the aim of providing a form of second-level education for Travellers which would be sufficiently attractive and relevant to make them want to continue attending school between the ages of 12 and 15. The curriculum attempts to maintain a balance between academic and craft work education, together with an emphasis on social and sporting activities. In addition, a network of Senior Training Centres for young Travellers is provided jointly by FÁS and the Vocational Education Committees, to cater for the needs of Travellers in the 15-25 age group.

773. In contrast to the picture in the primary school, where efforts over the years have resulted in a relatively satisfactory level of school enrolment, the low level of enrolment of Traveller children in second-level education is a matter of serious concern. Accordingly, a working group was established within the Department of Education to make specific recommendations on how the second-level education of Traveller children should be promoted. Based on its

findings, the Department will seek to build upon and extend the current provision at primary level, through the planned involvement of local second-level schools. The following will be the basis for actions to be taken.

774. In future, the aim will be to have as many Traveller children as possible in the 12/13-15 age group catered for in local second-level schools.

775. To facilitate the integration of Traveller children, a number of options will be explored within the schools, including special "bridging" classes where appropriate, but with the overall aim of integrating the Traveller children in mainstream classes. Integration will be facilitated by increased flexibility and adaptation of the curriculum, in structure and content, where desirable.

776. In the context of the full integration of Traveller children in second-level schools, the role of the Junior Training Centres will be examined. These centres continue to provide an essential service at second level and, in a transition period towards full integration, they will be given recognition on a more structured basis. Their provision will be linked, where possible, to that of an adjacent second-level school.

777. The visiting teacher service will be extended to support coordination of the links between schools and the Travelling Community and other agencies.

778. These developments will also provide the platform for possible advancement to all aspects of the senior cycle in the future, including vocational preparation courses.

779. The Department of Education will consult with those concerned with the adult education and vocational training of Travellers to identify priority needs and future action.

Children with special educational needs

780. It is a matter of particular concern to the Government that appropriate arrangements are made at all levels of education for children with special educational needs. These are children whose disabilities or circumstances prevent or hinder them from benefiting fully from the education which is provided at present in ordinary schools for children of the same age. The great majority of these children can benefit from enrolment in ordinary schools, provided there is some additional support. These include students in need of remedial help, as well as those with lesser special education needs.

781. During the past 30 years, a system of special education has been provided for children with special needs, and in more recent times, special education services have been further expanded to cater for the needs of children with psychiatric, emotional and behavioural problems. At present some 0.9 per cent of pupils of primary and second-level age receive their education in special schools.

782. Government policy is to encourage the maximum possible level of participation and integration of children with special needs into ordinary

schools, and to put in place the necessary special supports to facilitate this development and to ensure that the child has access to appropriate education, training, health care and rehabilitation services, preparation for employment and recreational opportunities. Social integration and the fullest individual development of the child is the aim. In line with the recently published White Paper on Education, Education Boards will have responsibility for coordinating educational provision, including support services, for students with special needs. A new scheme will also make provision for specialist computer-type equipment, at primary and post-primary levels, for pupils with cerebral palsy and similar disabilities.

783. Where the condition of the child is more serious, placement in a special class attached to an ordinary school or placement in a special school may be the preferred option. A range of such special facilities, which enjoy preferential pupil-teacher ratios and funding, is provided. Each facility is equipped to cater for particular handicap groups.

784. Teachers employed in special education services have the same initial training as teachers generally; this training includes modules directed at dealing with children with special needs. The initial training has traditionally been supplemented by various kinds of in-career development specifically suited to the needs of the client population.

785. Implementation of the recommendations of the Special Education Review Committee (which was set up in 1991 to review existing services and make recommendations on the provision for children with special needs) has already commenced and an action plan, aimed at achieving the objectives set out in the report over the next four years, is in preparation. Additional teaching posts and child-care assistant posts are being made available in the special education area. Funding of special schools and classes has been substantially increased. Special financing has been allocated to facilitate the appointment of escorts to accompany seriously handicapped children on special school transport routes.

786. Special arrangements are made in the certificate examinations for candidates who would have difficulty in communicating what they know to an examiner because of a physical disability, including visual and hearing impairments, or a specific learning difficulty.

787. In 1994 there were 38 visiting teachers serving ordinary primary and second-level schools in certain areas of the country with children who have hearing and/or visual impairment or children with Down's syndrome. Each visiting teacher serves a number of pupils in several schools.

788. A scheme for home tuition provides education in the home for pupils whose medical condition or disability prevents them from attending school or from attending school regularly. Recently, this scheme has been extended to cater for severely physically disabled pupils with severe speech problems who need additional help to operate computer equipment for the purpose of communication.

789. Teachers and educationalists from Ireland participate in seminars and study visits to European schools while their European counterparts visit Irish

schools through the various programmes organized by the European Union, such as the Helios II programme, which aims at promoting the integration of pupils with disabilities into mainstream schools.

790. The Special Education Review Committee has made detailed recommendations on meeting the needs of students in each category of disability. A special task force has been set up within the Department to consider how best to implement the report's findings.

791. Each school will be responsible for presenting in its school plan its policy on student assessment. This policy will provide for the identification of students with special needs and will describe the school's proposals for helping them, with the cooperation of parents.

792. Although the special educational needs of some students are identified before they start school, classroom teachers carry the main responsibility for identifying and responding to learning difficulties. The assessment procedure will focus on the identification of the student's potential rather than on her/his perceived limitations. The school Psychological Service will be expanded to support teachers in this task and to ensure that every child with learning or behavioural difficulties has access to help, at the earliest possible stage.

793. Coordination of the school Psychological Service will be the responsibility of the Education Board. Each Education Board will cooperate closely with the relevant Health Board in relation to the School Health Service and clinic-based assessment services in its area.

794. The details of each student with a special disability will be entered in a national database, to facilitate the planning of provision for all students with disabilities. Each Education Board will have a statutory responsibility for all students in its region who have been entered on the national database, and will coordinate educational provision, including support services, for these students.

795. Multidisciplinary consultations, to which parents and students will have a right of access, will review the educational provision for each student at least every three years. The decision-making process, in relation to the placement of a student in an ordinary and/or a special school, will be a collaborative one, made by the parents and professionals involved, with the objective of providing what is best suited to the child's development and needs.

796. In the case of a small minority of students with significant learning difficulties, where special provision is required, the education board will make arrangements for the writing of a statement of special educational needs for these students on an individual basis. The statement will identify the nature of these needs, the special educational provision required to meet them, and the school in which they can be most effectively met.

797. The National Council for Curriculum and Assessment will advise on the setting up of curriculum development projects for students with special educational needs. To accommodate educational provisions for children with

disabilities in mainstream schools, the development of the curriculum will allow for flexibility, addition and adaptation. The curricular needs of all students in specialist classes, units and schools will be reviewed continually, based on age, ability, needs and aspirations. Appropriate in-career development for the teachers of students with special needs will be organized.

Policy regarding children with special educational needs

798. In line with this resolution, policy in this area will seek to provide for children with special educational needs in mainstream schools as far as possible and as appropriate for the particular child. This means that it is accepted that there will continue to be children with disabilities for whom enrolment in an ordinary school would not be appropriate.

799. The major issues in special needs education today are, therefore, how the balance is to be struck between special school and mainstream provision, and how integrated mainstream provision should be developed.

800. Currently, the proportion of the total population of compulsory school attendance age (6-15 years) enrolled in special schools is approximately 1.2 per cent. The great majority are children with degrees of mental handicap, but there are also significant numbers of children with visual or hearing impairment, physical handicap or emotional disturbance provided for in special schools. This level of special school provision is low in comparison with other countries of the European Community.

801. The issues to be addressed concern the following:

(a) Identification of students in special schools who are more appropriately provided for in ordinary schools, and vice versa;

(b) Arrangements for ensuring that students can be moved from special provision to mainstream, or vice versa, as the changing needs of the child require;

(c) A system ensuring effective identification and assessment of students with special needs;

(d) Adequate support services for both special schools and ordinary schools providing for these students.

Elements of policy and disability

802. A first step in the direction of comprehensive provision is to have accurate knowledge of the extent of disability. A survey in schools has been undertaken to provide this information.

803. On a general basis, structures for educational assessment of students need to function at three levels. Assessment should begin in the school, involving remedial and guidance teachers. For more difficult cases, school-based assessment should be supplemented by the School Psychological Service, as it develops. More complex cases still would be attended to by the

multidisciplinary teams at present in existence under the Director of Community Care of the Regional Health Board. Arrangements will be made to ensure that a structure of this kind is developed.

804. A review of current provision will be undertaken, having regard to the results of the survey, to identify what is needed in accordance with the policy principles outlined above. This review will aim at formulating a national planning framework, on a catchment area basis, and will show where special support is needed for the integration of students in ordinary schools and where reorganization of special school provision is necessary.

805. The review will likely also entail a degree of restructuring of existing special school provision to cater, where appropriate, for more than a single disability in a particular school and to enable the special school to act as a resource for the ordinary schools in its area. Special class provision will also be reviewed to determine the extent to which separate special classes should continue or should be integrated wholly or partially into mainstream classes.

806. This framework will need to take into account not merely the adjustments needed in the primary school area, but also new arrangements at second level where provisions are on a very limited scale at present.

807. The teaching provision to be made in support of a programme of integration in general will take the form of the appointment of resource teachers to schools where there are a number of children with disabilities. Where the number of such children in a particular school is insufficient to justify the allocation of a full-time teacher, consideration will be given either to the sharing of a resource teacher among several schools or to the designation of a school centrally in a locality to provide for children with a particular disability. Some resource teachers may be assigned by redeployment in the event of reorganization of special school and special class arrangements. Since students requiring more specialized attention than the ordinary school can be expected to provide will remain in special schools, it will be necessary to review the pupil/teacher ratio in those schools.

808. The visiting teacher service will also have an important role to play. This service is being reorganized at present in order that it be made available, on a phased basis, to children in the different categories of disability. In addition, so that it may be effectively supportive of the integration programme, the number of teachers in the service will be augmented.

809. In relation to support services, discussions are continuing between the Department of Health and the Department of Education with a view to ensuring that all children requiring the services of speech therapists can have access to them. The position in relation to the provision of child care assistants will be considered following receipt of the report of the Special Education Review Committee, referred to below. In the meantime, a number of vacancies for child care assistants are being filled.

810. Other support needed to ensure a successful programme of integration will include, inter alia, supplementary tuition, special facilities or special equipment. There will be sufficient flexibility to allow an appropriate response to individual cases of special educational need.

Actions taken/contemplated by Government to introduce or guarantee equal access to all levels of education within the country

Equality and access

811. It is widely recognized that access to education can be one of the most important factors in promoting equality in society. Participation in education has always been highly valued in Ireland, and schools and teachers have worked, sometimes against considerable odds, to provide the best possible education for their students. Remarkable progress has been made, over the past 25 years, in extending access to education to all sectors of the community. In 1990/91, 85 per cent of the 12-18 age group were in full-time education. Some 73 per cent of those entering second-level education complete the senior cycle and about 83 per cent of those proceed to some form of post-second-level education or training.

812. The education system for the future should have a philosophy that embraces all students, female and male, on a basis of equality. A sustaining philosophy should seek to promote equality of access, participation and benefit for all in accordance with their needs and abilities.

813. All students, regardless of their personal circumstances, have a right of access to and participation in the education system, according to their potential and ability. The achievement of full equality of access, participation and benefit for all students will entail positive intervention at all levels in favour of those minorities who experience particular difficulties.

814. In translating equality of access into full equality of participation, the priority must be to tackle barriers to participation which militate against those from disadvantaged backgrounds, or those suffering from particular difficulties or handicaps.

815. A complex set of factors - social, economic and cultural, as well as educational - influences the extent to which young people and adults can and will participate in education. Tackling the problem requires integrated action and collaboration between education, health, social welfare, labour and training agencies and, equally, cooperation between schools, parents and the wider community.

816. Building close links between the home and the school is essential to the development of positive attitudes to education on the part of both students and parents, as is the provision of special support to those schools that serve disadvantaged areas.

817. Unfortunately, a small but significant number of young people leave education at the age of 15 and, indeed, in some cases before that age, many of

them without any formal qualifications. Experience shows that, if they remain unqualified, these young people are at serious risk of being unemployed throughout their adult lives. The 1990 Labour Force Survey shows that 50 per cent of unemployed males had only primary education and that 82 per cent of the male and 62 per cent of the female unemployed had not progressed beyond Intermediate level.

818. A range of measures, aimed at encouraging young people at risk of early leaving to remain in school and obtain at least basic educational and vocational qualifications, are also described under paragraph 889 relating to fundamental education for persons who have not completed their primary education. For those who have left school, the Youthreach programme and the work of the local groups established as part of the "area-based strategy" represent ways in which young people and adults with few or no formal qualifications can return to education and training.

New admissions procedures

819. The Leaving Certificate is an examination taken by Irish students at the end of the period of second-level schooling and the results form the basis for access to third-level education. The "points system" derives from the practice of third-level institutions of allocating points according to the grades achieved in subjects taken at the Leaving Certificate.

820. Despite the anxieties associated with the points system, it has the considerable virtue of fairness insofar as it rewards student achievement in the Leaving Certificate examination without reference to social position, school attended or other extraneous factors. However, it is a cause of very real anxiety for many students and their parents.

821. It was with this in mind that a major overhaul of the admissions procedures to third level was initiated, in the interests of simplifying the application procedures for students to all third-level institutions and of making the system fairer, more understandable and transparent. The institutions have supported and enthusiastically implemented a number of important changes, and a new streamlined system is almost fully in place.

822. For the first time, all applications for entry to third level in 1991 were processed through an expanded CAO/CAS system (Central Applications Office/Central Admissions Service), and offers for all courses, in all the institutions, were issued on the same day. All third-level institutions will henceforth have a common points system. A number of other changes have also come into effect. The common points system will be based on a new, more differentiated grading system in the Leaving Certificate, which will minimize the need to resort to a random selection of candidates with an equal number of points. The possibility of combining the results of two Leaving Certificates is being discontinued, as is the matriculation examination and, since 1992, it is no longer possible to combine matriculation and Leaving Certificate results.

823. These initiatives, when viewed in the context of the rapid expansion of places at third level, should help to reduce the pressure of the points system on students and parents, while preserving its basic fairness and transparency as a method of selecting students for third-level education.

Student grants

824. Following a wide-ranging review of the third-level student grants scheme by the Government, major improvements were introduced in the 1992/93 academic year:

(a) Income eligibility limits for families were substantially increased;

(b) A more equitable and open procedure for assessing income, linked to the tax assessment procedure, was introduced;

(c) The increases in the income limits are very substantial and will be of significant benefit to lower- and middle-income families who have been experiencing difficulties in sending their children to third-level education.

Third-level education

825. In the higher education sector, the State covers a considerable part of the budgets of universities and other higher education institutions and reserves to itself the right to participate in the permanent planning and budgetary management of higher education. In Ireland, universities and other higher education institutions are autonomous and self-governing.

Universities

826. There are four universities - the National University of Ireland, the University of Dublin, the University of Limerick and Dublin City University. These are self-governing institutions but each receives an annual State grant to help meet operational expenses and also grants for capital purposes. The National University of Ireland is organized on a federal basis but the constituent colleges enjoy a large measure of autonomy.

827. The three constituent University Colleges are Dublin, Cork and Galway. St. Patrick's College, Maynooth, is a recognized college (as distinct from a constituent college) of the University. The University of Dublin consists of one college - Trinity College Dublin. The University of Limerick and Dublin City University were formerly the National Institutes for Higher Education, Limerick and Dublin. They were accorded independent university status in 1989.

Technological and other higher education institutions

828. Regional technical colleges were introduced in the 1970s. Their origin may be traced to the joint OECD-Department of Education report "The Training of Technicians in Ireland". There are now 11 throughout the country, situated so that every county is within 30 miles of an RTC.

829. Regional technical colleges offer training courses for trade and industry, over a broad spectrum of occupations and levels, in business studies, engineering and technology, and science and paramedicine.

830. Courses lead to certificates, diplomas and, in a limited number of areas, to degree qualifications awarded by the National Council for Educational Awards (NCEA). The regional technical colleges also offer apprenticeships and other training courses.

831. The Vocational Education Committees operate other specialist colleges offering courses at higher (and second) level: the Crawford College of Art and Design in Cork, the Cork School of Music and the Dublin Institute of Technology. The DIT comprises the Colleges of Technology in Bolton Street and Kevin Street, the Dublin College of Catering and the Colleges of Marketing and Design, of Commerce and of Music. Courses have traditionally been recognized nationally and internationally by academic, professional and trade and craft bodies. In addition, by virtue of a partnership agreement with the University of Dublin, graduates of professional-level courses are eligible for degrees of that university.

Access to higher education

832. The Government fully recognizes the importance of third-level education, and this is reflected in a number of recent initiatives. Examples are the programme of expansion of student places, major capital development initiatives supported by the European Structural Fund, and the commitment in the Programme for Economic and Social Progress (PESP) to higher education. These initiatives are building upon the active policy of the last 25 years to expand and diversify the sector. Numbers in third-level education have expanded rapidly over the last quarter of a century, from 21,000 in 1965 to almost 70,000 in 1990/91, increasing to represent almost 40 per cent of the age group and, with the additional places to be provided under PESP, participation is likely to increase in the medium term to about 45 per cent of the age cohort. About half the intake proceed to degree-level programmes.

833. There has been a major transformation in the structure of the third-level sector, with the development and expansion of the DIT and the RTCs under recent legislation and also of the two National Institutes of Higher Education, with the last having more recently been designated as universities. During the same period, considerable growth occurred in the university sector, in particular in the technology/business disciplines, but accompanied also by a wide range of exciting and innovative new developments in the arts, the social sciences and other disciplines.

834. The future development of higher education will seek to maintain and build upon a balance between the technological and humanities sectors in order to provide students with the widest possible exposure to the diversity and richness of higher education, for their own benefit and that of society. A key contribution of the sector is to help develop people who are willing and able to manage innovation and change in all sectors of society, including the creation of wealth and employment.

Higher Education Authority

835. The Higher Education Authority has statutory responsibility for furthering the development of higher education and assisting in the coordination of State investment in higher education and preparing proposals for such investment.

836. In addition, the Authority advises the Minister for Education on the need or otherwise for the establishment of new institutions of higher education, on the nature and form of those institutions and on the legislative measures required in relation to their establishment or in relation to any existing institution of higher education. It is also required to maintain a continuous review of the demand and need for higher education.

National Council for Educational Awards

837. The National Council for Educational Awards (NCEA) is the statutory award-giving authority in the case of students who successfully complete degree-level courses in Thomond College of Education, Limerick, in the regional technical colleges and (with the exception of those degrees awarded by the University of Dublin) in the Dublin Institute of Technology. It also grants diploma and certificate awards to students of these institutions.

Adult and community education

838. The Vocational Education Act, 1930, which established Vocational Education Committees (VECs) throughout the country, gave responsibility to those committees for the provision of what was described in the Act as "continuation education" and VECs have traditionally been the main providers of adult education in Ireland. In recent years, however, community and comprehensive schools have also provided an extensive educational service for adults in their localities. Most third-level colleges are also actively involved in the provision of adult education through evening courses, extra-mural courses, distance-learning facilities, etc.

839. Fifty organizers are engaged in developing adult education services. These organizers, who are all qualified teachers, are appointed by the VECs. Their functions include identification of the educational needs of adults, coordination of existing activities and liaison with local economic and community interest in relation to specific needs.

840. In 1984, a Commission on Adult Education appointed by the Minister for Education recommended the establishment of County and County Borough Adult Education Boards. At the request of the Department of Education, VECs have established these Boards, whose function is to draw up and administer a programme of adult education for their areas.

841. Many adult education organizations are affiliated to AONTAS - the National Association of Adult Education - which receives financial assistance in the form of a grant-in-aid from the Department of Education. In addition, grants are made available by the Department of Education to appropriate voluntary organizations and institutions, such as the National Adult Literacy Association.

Vocational education/training

842. Vocational education was traditionally provided by VECs in vocational schools. However, the development of comprehensive and community schools, the growing consensus on the need for a balanced comprehensive curriculum at second level, and the massive growth in Vocational Preparation and Training Programmes (VPT) funded by the European Social Fund all contributed to an increase in the range of providers at this level.

843. The basic objective of the VPT programme is to provide appropriate training for young people in the 15-19 age group who have completed compulsory schooling, but whose skills are inadequate for the market due to the impact of economic or technological changes.

844. VPT1 is for those in the 15-18 age group who have completed compulsory education, who would otherwise enter the labour market and who need vocational training to enhance their employment prospects.

845. VPT2 is for pupils who have completed senior-cycle education and who have obtained formal qualifications (usually at Leaving Certificate level) but who need vocational training and experience. In practice, VPT2 has become a post-Leaving Certificate option and is frequently seen as a bridging course to higher education.

846. Almost 50 per cent of the time spent on these programmes is devoted to skill training related to employment, with a further 25 per cent on relevant work-based experience. Over 19,000 students participated in the programme in 1991/92.

847. A new two-year vocational training initiative under the VPT was introduced in 1989. The new training initiative is a two-year senior-cycle course which has the title "Leaving Certificate Vocational Training Programme". The programme is intended for students who have just completed junior cycle and are about to begin senior cycle.

FÁS

848. FÁS, the Training and Employment Authority, provides a range of training and Employment Services for unemployed persons, employers and communities. FÁS has a network of 20 training centres and 54 employment offices throughout the country. In 1996 it is planned to provide training and employment programmes for approximately 86,000 persons. FÁS has a regional organization with 10 regions. Each region has its own budget and responsibility for the planning and running of programmes within their locality. Altogether, FÁS employs approximately 2,000 staff.

849. FÁS services to the community include community employment. This programme enables a vast range of useful work to be undertaken by community and voluntary organizations and provides work and training opportunities for long-term unemployed and other disadvantaged persons. In 1996, some 53,000 persons are expected to have completed community employment.

850. FÁS services to job seekers include a range of counselling, guidance and placement services. These include Specific Skills Training courses in a wide range of skills. These are provided with nationally recognized certification. There are also developmental training programmes providing basic skills and personal development support for disadvantaged young persons and other persons seeking to return to the workforce. FÁS also provides apprentice training for 25 designated trades, i.e. electrician, fitter, bricklayer, carpenter/joiner, etc. A new apprenticeship scheme has recently been introduced which is standards based. On successful completion of apprenticeship persons receive a National Craft Certificate recognized in Ireland and other EU countries.

851. FÁS services to business include the provision of grant assistance under the Training Support Scheme for the training of employees in key business/ skill areas. The scheme gives particular consideration to the needs of small enterprise owner-manager developments.

852. On all its programmes FÁS gives particular attention to promoting the participation of women in sectors of the labour market traditionally dominated by men and also in growing future-orientated skill areas including technical and managerial occupations. FÁS publishes a Positive Action Programme for women each year.

853. FÁS works closely with Area Partnership Companies within the 35 Local Development Areas. These are areas of disadvantage designated by the Government for additional support to bring about social and economic development. FÁS works closely with Area Partnership Companies to ensure that its services make a maximum contribution to local development strategies.

Apprenticeships

854. The new apprenticeship scheme is standards based. It is based on uniform, pre-specified and industry-agreed standards, derived from the current and future needs of Irish industry. The main objective of the scheme is to ensure an adequate supply of qualified craftspeople to meet the skills needs of the Irish economy for such markets.

855. To help apprentices achieve these standards, the new scheme provides for seven phases of alternating on-the-job and off-the-job training in conjunction with FÁS training centres and education. The structured ongoing assessment will give more comprehensive and valid evidence of attainment during apprenticeship. The modular structure allows for flexibility and cross-skilling as required and helps to ease updating for future technological or other developments.

CERT

856. The State Training Agency for Hotels, Catering and Tourism (CERT) cooperates with the Department of Education by monitoring an agreed VPT2 programme in Hotel, Catering and Tourism Skills. The aim of this programme, which is certified by CERT, is to enable young people in second-level education to gain a broad understanding of the operations of the hospitality

industry and to facilitate their integration into the workplace and/or into professional training. CERT also certifies the vocational studies component of some VPT1 programmes in Hotel, Catering and Tourism Studies.

857. In addition, CERT, in association with the Department of Education and the Travel and Tourism Programme in Ireland, has developed a Tourism Awareness Programme which is designed for students in the 16-19 age group following transition year or vocational preparation programmes. The aim of this programme is to promote the study and understanding of Ireland's tourism industry among young people in second-level education.

National Council for Vocational Awards

858. The Council was set up in 1991 to develop a national certification for vocational training programmes at secondary level. The composition of the NCVA includes participation by the relevant educational interests, FÁS and CERT, as well as by employer and trade union interests, reflecting the need to involve such interests in course development and validation, and in the certification process.

Youthreach

859. Youthreach is intended for young people who are typically at least six months in the labour market, are aged between 15 and 18 years of age, have left the school system without formal qualifications or vocational training, who are not catered for within traditional educational or training provision, and have not secured full-time employment.

860. Youthreach is implemented nationwide but is specifically targeted at geographical areas of special need. It is a guarantee of up to two years' coordinated and integrated training, work experience and temporary employment for the most marginalized and disadvantaged of early school leavers. It essentially involves an integrated response by education, training and community agencies to the problems which young people experience, and which result in their opting out of school early and subsequently failing to secure a foothold in the labour market.

861. All participants in the Youthreach programme have a common status and are entitled to the same allowances and conditions, whether within the training or education system. Counselling, guidance and assessment leading to certification are a feature of all Youthreach provision.

862. The aim of the programme is to provide all participants with the knowledge, skills and attitudes required to successfully make the transition to work and adult life. In 1991, 1,600 young people availed themselves of the programme.

TEAGASC

863. The Agriculture and Food Development Authority, is the national body providing advisory research, education and training services to the agriculture and food industry. Of particular importance in its remit is education and training for young farmers, research in the food industry

together with farm management, economics, marketing of agriculture products and rural development. Various certificate courses and farm apprenticeship schemes are conducted under the TEAGASC Education and Training Programme.

Vocational Training Opportunities Scheme

864. The VTOS, administered in conjunction with the Department of Social Welfare, offers the long-term unemployed an attractive opportunity of returning to full-time vocational education and training. Fifty-three groups have already been approved under the scheme, with places for 1,060 participants. A further 1,000 places are being made available in 1996. The scope of the scheme has recently been expanded to cover those signing on for credits, and this will be of particular benefit to married women. Under this scheme, participants are not charged fees and are paid allowances in lieu of their social welfare entitlements and for other expenses.

865. VTOS started in 1989, following pilot projects at a number of locations in Ireland. Even in this short time, it has proved to be an outstanding success and of great benefit to participants. This success is due, in no small measure, to the enterprise of Vocational Education Committees and their commitment to the promotion and development of the Scheme.

866. The Scheme will be further developed and expanded. The ability of the Scheme to benefit participants will be further enhanced through the work of an expert group which is currently examining all aspects of the Scheme, including the content of education and training programmes which should be offered under the Scheme and the provision for tutor training, accreditation and evaluation.

Third-level education and people with disabilities

867. To enable young people with disabilities to pursue third-level courses satisfactorily, special additional arrangements must be made for them. These arrangements will include the following:

(a) Consultation with the individual student before enrolment to find out what arrangements may be necessary in the particular case;

(b) Individual assessment, as necessary, of entrance and course requirements;

(c) Provision of equipment such as audio equipment for those with impaired hearing, or Braille equipment for those with impaired vision;

(d) Provision of additional facilities, such as transcription of taped lectures;

(e) Arrangements for counselling with academic staff during a course;

(f) Special examination arrangements such as time extensions, oral examinations, and technical aids;

(g) Physical access arrangements;

(h) Special additional arrangements for students with intellectual impairments so that they can have access to suitable programmes of further education and training at third level on the same basis as the rest of the population.

868. A special access programme launched in 1989 by University College, Dublin, in cooperation with the Rehabilitation Institute, illustrates the kind of arrangements which can be developed. This programme comprises three special initiatives:

(a) An orientation programme where the special needs of a student enrolling in the College are clarified in advance with the student and a follow-up programme of support put in place;

(b) A one-year pre-university course, designed to enable potential students with disabilities to meet the requirements for university entrance;

(c) A special examination centre provided at the Rehabilitation Institute's National Training Centre in Dublin.

869. Other third-level institutions are also addressing the needs of students with disabilities, and the Higher Education Authority is pursuing a supportive and monitoring role. The Government will actively encourage the development of special arrangements for such students in all colleges. These measures will result in a much-improved situation of young people wanting to follow third-level courses.

Special help at third-level and post-second-level education

870. A particular concern of the Government is to improve completion of second-level education and beyond. Proposed actions include structured student assessment, enhanced remedial and guidance services, home/school links programmes and in-career training for staff. These will be particularly concerned with helping the disadvantaged to achieve their full education and training potential.

871. Such measures, in addition to improving the likelihood that young people from disadvantaged areas will complete second-level education, should help and encourage them to participate in third-level and other post-second-level education and training.

872. With the objective of importing transfer rates to third-level education from the groups concerned, the following positive intervention and supportive actions are proposed:

(a) Direct links between third-level institutions and selected schools, with designation of an appropriate staff member in each third-level institution to oversee this;

(b) Support and access programmes for students, particularly during the senior cycle;

(c) Priority access for such students to third-level education will be explored with the authorities concerned.

873. To complement such measures, students from disadvantaged areas will be facilitated in every way to participate in post-second-level vocational education and training programmes. Special access courses will be provided, where required, for students who may need particular assistance before they begin any of these programmes. New arrangements for the national certification of these programmes will make them more attractive to students and, at the same time, will provide the means by which successful students can proceed from such programmes to more advanced courses in third-level colleges.

Difficulties in the realization of the right to education

874. Informal barriers may have been experienced by some persons in their progression through the education system. The Department of Education is taking measures to address any difficulties arising. In addition, the White Paper provides for procedures to address such grievances, most notably through the proposed Education Boards, which will be underpinned by legislation, the proposed Teaching Council and the possible inclusion of schools in the remit of the Ombudsman.

875. Education services of a high standard are provided by the Irish State. However, a number of concerns were expressed in OECD and ESRI reports in 1995, in particular in relation to the percentage of students who leave the educational system without qualifications. The OECD report estimated that some 6.6 per cent of students left the education system without qualifications in 1991/92. The recent White Paper on Education seeks to tackle this problem by raising the minimum school-leaving age from the current 15 years to 16 years. In addition, students must complete junior-cycle education.

876. A comprehensive study on school leavers, recently issued by ESRI and based on a large sample of approximately 2,000 students, revealed that some 82 per cent of pupils completed senior-cycle education in the 1993/94 school year, and that only 3.2 per cent of students left school with no qualifications of any form.

877. The White Paper sets out a number of time-related goals, as follows:

(a) Having regard to the assessment of their intrinsic abilities, there are no students with serious literacy and numeracy problems in early primary education within the next five years;

(b) All Traveller children of primary-school age be enrolled and participate fully in primary education, according to their individual abilities and potential, within five years;

(c) Within 10 years, all Traveller children of second-level, school-going age will complete junior-cycle education and 50 per cent will complete the senior cycle;

(d) The percentage of the 16- to 18-year-old age group completing senior cycle is to increase to at least 90 per cent by the year 2000;

(e) The Higher Education Authority, in consultation with third-level institutions, will be asked to advise on the most appropriate and effective means of achieving an annual increase in participation of 500 students from lower socio-economic groups in third-level education over the next five years.

Adult and continuing education, and measures taken to promote literacy

Adult literacy

878. It is only in recent years that the incidence of illiteracy in industrialized countries has been acknowledged. A recent report from the Centre for Educational Research and Innovation of the OECD, "Adult Illiteracy and Economic Performance" (1992), contains important findings in this area which serve as a background for proposed initiatives in Ireland.

879. The report, in noting that literacy is essential to economic performance, states in particular that:

> "The incidence of illiteracy, when classically defined as the inability to decipher printed words, is actually quite low in industrialized nations. The problem, instead, appears to lie in the alarmingly high incidence of what many observers call 'functional illiteracy'. High proportions of individuals fall within the lower and middle ranges of literacy scales and, despite some literacy skills, are unable to participate fully in the economic and civic life of today's advanced nations."

880. Illiteracy (in this sense) is not a problem that is restricted to a group of mostly drop-out youths, but one that also includes a significant number of older workers requiring remedial programmes that are targeted to an older, adult population, including a sizeable share of the employed adult labour force.

881. While comprehensive data on the incidence of illiteracy are not available in Ireland, it is likely that the broad picture corresponds to that reflected in the OECD report. To provide the basis for more extensive initiatives in the future it is proposed to commission a national survey drawing on the experience of similar surveys being undertaken in other countries. The survey will seek to assess competency levels in various categories in reading and writing, including communicative and interpretive skills, through an in-depth survey of sample groupings.

Current approach to literacy problems in Ireland

882. Literacy education for adults in Ireland has until now focused on those whose basic literacy skills were inadequate to enable them to function in their day-to-day lives. The Adult Literacy and Community Education Scheme (ALCES), which is operated through the Vocational Education Committees, provides literacy and basic education tuition on a one-to-one or small group basis, free of charge or at a nominal cost, with a substantial contribution from volunteer tutors. Literacy tuition is also provided as part of other

programmes such as the Vocational Training Opportunities Scheme (VTOS) and Youthreach and by other agencies such as the FÁS and the Irish Congress of Trade Unions (ICTU) through its Centres for the Unemployed.

883. ALCES received a significant boost in 1990 with the doubling of the budget to £1 million per annum. Additional funding was provided in 1991 for a tutor training development project. In recent years, there has been a trend away from home tuition to centre-based tuition and to the development of student groups and to support from community groups. Generally speaking, this scheme has succeeded in meeting demand in that all those coming forward could be accommodated. The success of the programme has tended to attract increasing numbers of adults with literacy difficulties, and resources will continue to be made available to meet needs.

Future developments to combat illiteracy

884. Proposed developments within the school system, particularly at the primary level, include an enhanced focus on identifying and supporting those with emerging problems in either literacy or numeracy. These measures include improved assessment and remedial services, developments within the home-school liaison programme aimed at specific areas of need, and an expansion of parenting programmes.

885. The ALCES will be continued and developed to meet the needs of those who lack basic literacy skills. A detailed study of the operation of the scheme has been commissioned and a preliminary report is expected early in 1993. While it is envisaged that the semi-voluntary, community-based service offered through the Vocational Education Committees will be maintained and strengthened, the possibilities of providing workplace-based services will also be examined in consultation with employer and worker representatives.

886. International experience indicates the desirability of linking literacy training to general skill development and future developments in literacy programmes will seek to systematically establish such linkages.

887. Special attention will be directed by the Government towards meeting the needs of those who have basic literacy skills but who are not functionally literate, and a multi-faceted diagnostic and remedial programme will be developed in consultation with the FÁS and other educational and training agencies. A clear statement will be developed of the different skills which are involved in functional literacy and of the levels of competence in these skills which might be regarded as minimum requirements in different situations in the home, community and at work.

888. A comprehensive range of remedial literacy programmes will be developed which will include one-to-one and small group tuition as provided under the Adult Literacy and Community Education Scheme and specialist modules for inclusion in basic second-chance education and in vocational training programmes, including modules for those already at work:

(a) A programme of literacy tutor training, initiated in 1991, will be continued and developed;

(b) Assessment and evaluation processes will be developed to give a dependable measure of real progress by individuals and of the relative effectiveness of different remedial programmes, as well as ensuring accountability and cost-effectiveness;

(c) Some progress has already been made in this direction and a working party is currently developing appropriate certification procedures for literacy courses;

(d) Since the success of these remedial programmes will depend to a significant extent on public awareness and an appreciation of the importance of literacy skills for training and employment, as well as for personal development, promotion and publicity initiatives will be taken to increase this awareness and appreciation.

Adult Education

889. Provision is also made for people who have not received or completed the whole period of their primary education within the area of adult education. The National Commission on Adult Education, in its 1983 report, described adult education as including:

> "... all systematic learning by adults which contributes to their development as individuals and as members of the community and of society apart from full-time instruction received by persons as part of their uninterrupted initial education and training."

890. This view of adult education has been the basis for the development of adult education in Ireland since the publication of this report and provides the guidelines for further development in the future. The ever-increasing rate of change in the intervening years has emphasized the link between a lack of knowledge and skills and social and economic disadvantage, for the individual and the community alike.

891. Learning is a lifelong process. Formal schooling lays the foundation. Access to life-long education is important for all Irish people, and especially for those who, for whatever reason, completed their early education without reaching their full potential.

892. It is important that positive attitudes towards the quest for knowledge and learning are fostered during the period of initial education and training and that students are made aware of the value and importance of adult education and of the range of programmes available.

893. Meeting adult education needs involves providing access to a wide range of courses and learning opportunities. It also involves identifying and removing barriers to participation, especially in the case of the disadvantaged. The needs of many mature students can be met by facilitating their return to mainline education programmes, while special programmes, specifically designed for adults, must be provided for others.

894. Adult education courses should be made attractive to people who left the education system prematurely because of lack of motivation or interest in the

programmes available to them. For many people, lack of confidence and motivation, rather than any limitation in provision, may prove the major barrier to participation. The type of course and the teaching approaches and methods must take into account the needs of mature students. Courses must be seen as providing the opportunity for those who are successful, and who wish to do so, to advance to the next stage of their education or training. The establishment of new national certification arrangements for vocational education and training programmes, coupled with more flexible course structures at third level and underpinned by structured credit accumulation and transfer arrangements, will be of particular benefit in this regard.

895. The arrangements already in place and those proposed are based on a view of education and training as a continuum, ranging from basic literacy and numeracy, through general education to vocational education and training, to which there should be access on a lifelong basis. Barriers to participation will be identified and eliminated progressively, as resources permit, particularly in the case of individuals and groups who failed to benefit sufficiently from their initial experience of schooling.

896. The Vocational Education Committees have played a central role in the provision of adult education down through the years, both directly through their own schools and colleges and through support for other agencies such as Community Training Workshops and the Prison Education Service. The dedication and commitment of the Adult Education Organizers, attached to the Committees, and of the members of the Adult Education Boards have been reflected in the quality and diversity of programmes on offer, especially in recent years.

897. Since their inception, comprehensive and community schools have also played an important role in the local provision of courses and programmes. Other agencies, including AONTAS, the universities, the National Adult Literacy Agency, voluntary bodies, and a variety of private institutions and agencies have also played a valuable part.

898. The number and variety of agencies involved is reflected in the welcome diversity of courses and course providers, but also highlights the need for concerted action, to ensure that appropriate standards are maintained and that gaps in provision are identified and filled.

Facilitating the return of mature students to formal education

899. In a number of schools throughout the country, mature students take part in senior-cycle programmes and sit the certificate examinations. The development of vocational preparation and training programmes has also opened up a wide range of vocational courses to mature students, at both secondary and post-secondary levels. The increasing demand for recurrent education, resulting from many people seeking second-chance education or an updating of their skills, is likely to increase significantly the numbers wishing to take these courses in the future.

900. The universities and other third-level institutions provide mature students with access to a wide range of sub-degree, degree and postgraduate courses. These institutions are encouraged to develop new courses specifically aimed at meeting the retraining needs of industry.

901. A number of initiatives have been introduced by the Government to make it easier for mature students to proceed to third-level education. Third-level institutions are encouraged to build on their existing provision and increase the number of places for mature students who do not, necessarily, meet the usual academic requirements. Other initiatives in relation to the third level generally, which will benefit mature students, include the modularization of courses, which will facilitate part-time attendance, the accumulation of course credits progressively, and the awarding of credits for a range of part-time and short courses. Two amendments have also been made to the higher education grants scheme which relate to the needs of mature students, who are not dependants of their parents. Firstly, the eligibility of such students for grant is determined on the basis of their own income and that of their spouses and, secondly, the mature students who secure a place at third level are regarded as satisfying the academic requirements for a grant.

Special provision for adults

902. Catering for the needs of the disadvantaged, and those who left the educational system early or without reaching their full potential, is a particularly important aspect of adult education. Education and training for the unemployed, and especially the long-term unemployed, will have a particular priority as a means of helping them enhance their quality of life and their employability. In addition, there is a consensus on the need to upgrade the skills of those in employment. There will be close cooperation between the education sector and FÁS in achieving this.

Education in prisons

903. A broad programme of education is offered to prisoners, consisting of the main school subjects, adult basic education, creative activities (such as art, drama, music and writing), social education and physical education. The aim is to offer prisoners the opportunity to discover and develop new potential within themselves while also to help them to cope with their imprisonment. Many of those in prison have had very limited educational opportunities in the past and the provision of basic education, especially adult literacy classes, is important. The methods and approaches used are drawn from adult and community education and participation is voluntary.

904. There are about 120 teachers working in the prisons, who provide the major part of the education service to prisoners. Prisoners also have access to the Open University, which provides a wide range of degree courses. The Arts Council provides writers' and artists' workshops, conducted by recognized writers and artists. Prison education pays close attention to the prisoners' needs and to the best practice in Adult Education. The Training Unit concentrates on vocational education, including photography, art, drama, computer skills, languages, music and a wide range of work training. Some institutions cater for inmates taking City and Guilds examinations. Education in the prison system is aimed at providing self-development for inmates and reintegrating offenders as useful and productive members of society.

Vulnerable or disadvantaged groups

905. A number of measures in support of schools serving disadvantaged areas have already been undertaken in Ireland and will be expanded as quickly as resources permit. In addition to the home/school links programme already described, there are several schemes of direct support, both by means of additional funding and also through the allocation of additional teaching posts.

Breaking the cycle of disadvantage

906. On 8 May 1996, the Minister launched "Breaking the Cycle". This initiative is targeted at schools in areas of particular urban and rural disadvantage. The initiative is based on research commissioned by the Minister, and carried out by the Combat Poverty Agency and the Education Research Centre. The scheme will use criteria produced in the research to identify schools in the most disadvantaged urban and rural areas.

907. Twenty-five seriously disadvantaged schools have been selected from the Dublin, Cork, Limerick, Galway and Waterford areas. The selected schools will receive intensive support in the form of special funding and staffing allocations. A key element of the support will be the introduction of a pupil teacher ratio of 15:1 in junior classes. The urban initiative will be supported by a newly appointed coordinator.

908. Clusters of small schools will be selected for special support. Each cluster will be comprised of a group of schools, each of which will have less than 5 teachers. The total number of pupils in each cluster will be in the region of 300 to 350. Schools in the selected clusters will receive special funding for materials/equipment. Each cluster will have a newly appointed coordinator who will work with families and teachers in the area.

909. In addition to the extra teaching and coordinator posts described above, schools selected for inclusion in the Breaking the Cycle initiative will receive additional support in the form of:

(a) Special funding for the purchase of books, materials and equipment;

(b) Targeted in-career development for the staffs of all selected schools to help teachers in offsetting the educational effects of disadvantage;

(c) Capitation grants of £75 from next September.

Short part-time adult education courses in secondary schools

910. A significant contribution has been made to adult education over the years by the short part-time courses offered by VECs and, since their inception, by community and comprehensive schools. A total of 100,000 adults participated in 1989/90.

911. The courses are varied and include leisure courses, personal development courses and courses to develop skills appropriate to the workplace. A typical course takes place in weekly sessions over 13 weeks. Traditionally, these courses were offered in the evenings, but they are now increasingly being offered during the day as well. Tutors are paid at an hourly rate; some are teachers who tutor these courses independently of their normal teaching duties, while others are persons with particular skills specially engaged for the purpose.

912. Unlike the basic education courses available under the Adult Literacy and Community Education scheme, which are given free or for a nominal fee, these courses are in the main self-financing. However, the self-financing provisions have been operated in a way that allowed access by the less well-off on a reduced fees basis.

913. The tradition of offering these courses in the evening allowed for the use of accommodation used during the day for secondary education courses. Daytime provision requires separate accommodation which is met by using spare accommodation in schools with falling enrolments and by renting accommodation as required. Short-term part-time courses in secondary schools offer important learning opportunities within the overall provision for adult education. The Department of Education is committed to their continued availability on a countrywide basis, both by day and in the evening, in all secondary schools, including privately owned secondary schools and in out-centres serving outlying areas. The more widespread provision of such courses in the privately owned secondary schools will be actively encouraged.

914. A comprehensive review has begun of all factors which affect the availability of these courses, including their accessibility to the less well off in the community. While the capacity for subsidizing courses in less well off areas from surpluses generated elsewhere will be facilitated, consideration will be given also to the progressive increasing of the funding by means of reallocation, but within overall available resources. Consideration will also be given to the special difficulties in providing such learning opportunities outside urban areas. See also the section on adult education.

Other schemes and programmes

915. Under pilot schemes introduced by the Department of Social Welfare in consultation with the Department of Education, long-term unemployed can attend secondary and third-level courses without losing their Social Welfare allowances. Like their counterparts on the VTOS courses, those attending secondary courses under these schemes will receive assistance towards books, travel, etc. as the Government is conscious of the burden these expenses place on them. As resources permit, it is proposed to consider bringing such schemes under the umbrella of VTOS. Those attending third-level courses will benefit from the changes in the higher education grants scheme already referred to.

916. The VECs, in conjunction with the Department of Justice, have developed programmes of education and training for prisoners. Currently, up to 50 per cent of prisoners attend these courses. The number of participants in

the current year is 1,050. These programmes will be continued and improved. Links increasingly will be established with outside programmes to encourage those leaving prison to continue their education and training.

917. The Department of Education will continue to cooperate closely with the FÁS in providing vocational training for young adults in Community Training Workshops. These programmes are designed to help young people at risk in the 16-25 age group to develop their full potential to break out of the cycle of illiteracy and social deprivation in which many are trapped and to enable them to become self-reliant and self-supporting members of society.

Other areas of special educational provision

People with disabilities

918. Other areas of special educational provision include that of access facilities for people with disabilities. In accordance with existing policy, access facilities are provided in all new buildings and in all buildings being refurbished. Where existing buildings are concerned, every effort is made to ensure that all requests for improved access are met.

919. A further area of concern relates to the vocational training of young people with serious disabilities, specifically those with a moderate degree of intellectual disability. The Department of Education already grant-aids a number of training units attached to sheltered workshops. In accordance with the recommendations in the report of the Review Group on Mental Handicap Services (1990), the Department of Education, in conjunction with the Departments of Health and of Labour, will seek to have a comprehensive network of such training units established.

920. Arrangements will be made so that the expertise of universities and other third-level institutions would be available to participate in the development of suitable programmes for people with disabilities. One approach might be to establish a research facility in one of the universities to coordinate the contribution that the various disciplines might make to the education and training of those with intellectual, physical, sensory or emotional disabilities.

921. The foregoing policy elements are reflected in the terms of reference of the Special Education Review Committee. This Committee, set up by the Minister for Education in September 1991, comprises the representatives of the various interests involved in providing for children with special educational needs. The Committee was asked to report on:

(a) The identification and assessment of young people with special educational needs;

(b) The educational provision best suited to the needs of these children and the arrangements that should be put in place to provide for them;

(c) The support services required;

(d) The linkages which should exist between the Department of Education and other government departments' provisions.

The Committee will provide recommendations for the detailed implementation of policy as set out above.

Immigrant pupils

922. The small number of immigrant pupils and their wide residential scatter poses problems for the teaching of their mother tongue in schools in Ireland. Despite this, considerable provision is being made for such pupils. Most immigrant pupils acquire a knowledge of English through participation in classes at school and general community life. Most of these pupils also attend Irish language classes in their schools. A study completed in 1994 found that a total of 1,812 children of non-English-speaking immigrants from European Union countries were at school in Ireland. The largest number (543) was German. Immigrants from 84 non-EU countries accounted for a total of 2,311 pupils in primary and second-level; the largest group was Chinese (427).

Special schools for young offenders

923. The Department of Education has responsibility for the provision of residential accommodation for young male offenders up to 16 years of age and female offenders up to 17 years of age. There are currently five centres available for young offenders in Ireland. These can be divided into two categories, based on the age of the child and the seriousness of the offence. Generally speaking, industrial schools cater for children between 10 and 14 years of age, while reformatory schools cater for children between 14 and 16. The operation of these centres is currently governed by the 1908 Children's Act. New legislation is currently being prepared to replace this Act. While it is generally considered that there are an adequate number of industrial school places available, it is considered that further places are needed to provide for the older and more serious offenders. (See appendix B, figure 13.2.)

924. In this context, and in the light of recent judicial and public concern, the Government has decided to increase the available facilities through:

(a) The creation of additional industrial school places for girls and, ultimately, of a separate industrial school facility for girls; and

(b) The provision of additional reformatory school places and secure places for girls.

925. It is also planned to provide extra reformatory places for boys.

926. The Department of Justice has responsibility for the detention of male committals aged 16 years and over and females aged 17 years and over. Males under 16 and females under 17 cannot be sent to the prisons or places of detention operated by the Department of Justice (except in exceptional circumstances specified in sections 97 and 102 of the Children Act, 1908 where the court certifies that the young person is of so unruly or depraved a character that he/she cannot be detained in a special school).

927. The 1947 Rules for the Government of Prisons classify every prisoner under the age of 17 years as a juvenile offender and make specific provision for these offenders. The Department of Justice has prepared draft new Prison Rules, which it is hoped will come into force in 1997. The draft new Prison Rules provide for certain modifications to the general Prison Rules in the case of prisoners under 18 years, effectively extending the concept of juvenile offender to persons in that age category.

928. Offenders between 15 and 18 years of age, in common with all offenders in prisons/places of detention, have access to a range of counselling and psychological services. These are provided by doctors, psychiatrists, psychologists, probation and welfare officers, chaplains, teachers, workshop instructors, and by voluntary bodies such as Alcoholics Anonymous, Narcotics Anonymous, Gamblers Anonymous, and by The Samaritans who are available on a 24-hour, 365-day-a-year basis, by telephone.

The religious and moral education of children in conformity with parents' own convictions

Relevant provisions in the Constitution of Ireland*

929. In article 42 of the Constitution, quoted earlier, the State acknowledges that the primary and natural educator of the child is the family and guarantees to respect the inalienable right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children.

930. Parents are free to provide this education in their homes or in private schools or in schools recognized or established by the State. The State does not oblige parents, in violation of their conscience and lawful preference, to send their children to schools established by the State. However, as guardian of the common good, the State requires that children receive a certain minimum education, moral, intellectual and social.

931. The State provides for free primary education and endeavours to supplement and give reasonable aid to private and corporate educational initiatives, and, when the public good requires it, provide other educational facilities or institutions with due regard for the rights of parents, especially in the matter of religious and moral formation.

932. In exceptional cases, where the parents, for physical or moral reasons, fail in their duty towards their children, the State, as guardian of the common good, by appropriate means, endeavours to assume the place of the parents, but always with due regard for the natural and imprescriptible rights of the child.

933. Article 44.4 of the Constitution stipulates that:

> "Legislation providing State aid for schools shall not discriminate between schools under the management of different religious

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* This has also been dealt with under article 10.

> denominations, nor be such as to affect prejudicially the right of any child to attend a school receiving public money without attending religious instruction at that school."

Article 44 further provides that freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen. The State also guarantees not to endow any religion nor to impose any disabilities or make any discrimination on the grounds of religious profession, belief or status.

Religion in primary education

934. Under the Ministers and Secretaries Act, 1924, the Minister for Education has the power to issue rules for primary schools. Sections of these rules relevant to religion are summarized below.

935. The rules do not discriminate between schools under the management of different religious denominations, nor may they be construed so as to affect prejudicially the right of any child to attend a primary school without attending religious instruction at that school.

936. State aid for the establishment of a new primary school may be granted on application by the representatives of a religious denomination where the number of pupils of that denomination in a particular area is sufficient to warrant the establishment and continuance of such a school.

937. The use of a place of worship for school purposes is sanctioned only in exceptional circumstances and as a temporary measure; in all such cases, the prior approval of the Minister for Education must be obtained.

938. Where appropriate religious instruction is not available to the children of a particular denomination in a primary school within reasonable distance of their homes, the Minister for Education may consider the question of recognizing a school in accordance with the rules on condition that the average daily enrolment is not less than 12.

939. The period of secular instruction to be provided for in the timetable for each school day must be at least four hours.

940. The rules for primary schools further provide that no pupil will receive or be present at any religious instruction of which his parents or guardians disapprove. The periods of formal religious instruction are to be fixed so as to facilitate the withdrawal of such pupils. Where religious instruction of which parents or guardians approve is not provided in the school for any section of the pupils, such pupils must, if their parents or guardians so wish, be allowed to absent themselves from school for the purpose of receiving that instruction elsewhere.

Religion in second-level education

941. There are a number of different types of post-primary schools in Ireland and provision is made in all for the teaching of religion. Most of the schools, although State aided, are privately owned and denominational.

942. In relation to community, comprehensive and vocational schools, arrangements are made for the provision of religious instruction. These arrangements include the payment by the State of the salaries of teachers of religion.

The liberty of individuals and bodies to establish and direct educational institutions

943. In Ireland, individuals and groups have the right to establish and direct educational institutions. The State provides for first-level education in primary schools which are attended by over 98 per cent of children to age 12. The vast majority of primary schools are State aided and managed at local level, under the patronage of religious authorities.

944. There are a number of private primary schools in the State and in recent years a small number of State-aided multidenominational schools have been established in response to local parent demand. The multidenominational schools receive financial support on the same conditions as the denominational schools when they meet the standards laid down by the State.

945. Most secondary schools in Ireland are privately owned and managed, the majority being conducted by religious bodies, the remainder by Boards of Governors or by individuals.

946. There has also been growth in recent years in the number of private colleges and institutions offering education and training courses of varying duration at a variety of levels, including third level.

947. Arrangements have already been agreed with the National Council for Educational Awards in relation to the designation of private commercial colleges and in relation to the validation and certification of third-level programmes offered by such colleges. The purpose of these arrangements is to ensure that standards are fully satisfactory and quality is assured. Ongoing review of the colleges and courses is required as a basis for maintaining recognition.

948. The Government has proposed that the Council for Educational and Vocational Awards (CEVA) would have an overall registration function for private colleges and specific courses being offered by them. Initially, registration would be of those courses of not less than one year's duration, outside the third-level sector, leading to the award of acceptable and approved qualifications. This would be extended on a phased basis to include comprehensive and graduated registration and recognition arrangements for the variety of training programmes currently on offer from private commercial institutions. Accordingly, the Department of Education will agree with CEVA a comprehensive code of quality control for the private colleges sector. The review process under the code will provide for a variety of circumstances, including those where the qualifications are awarded by fully recognized institutions abroad. An objective would be to ensure that the award of certification could take place only if the college holds a licence from the CEVA in accordance with the code of quality control. In drawing up the code, the Government will ensure that fair and equitable procedures are put in

place. This approval and registration process is intended to provide protection for consumers in relation to the basic quality standards of providers of education and training.

ARTICLE 14

949. The right to free primary education is guaranteed by article 42.4 of the Constitution of Ireland. While article 42 1 of the Constitution refers to the duty of parents to provide for the education of their children, article 42.2 specifically leaves them free to provide this education in their homes, or in private or State schools. Article 42.3 prohibits the State from obliging parents, in violation of their conscience and lawful preference, to send their children to schools established by the State, or to any particular type of school designated by the State. The only legitimate State interest is to ensure that children receive "a certain minimum education" (art. 42.3.2 of the Constitution; see also in re art. 26 and the School Attendance Bill, 1942 (1943) I.R. 334).

ARTICLE 15

Legislative and other measures adopted by the State to realize the right of all to take part in cultural life

950. The State recognizes the rights of its citizens to take part in cultural life. The Constitution of Ireland seeks to promote the common good so that the dignity and freedom of the individual may be assured. Essential to this is the education of public opinion. Under article 18 of the Constitution a number of the 60 members of Seanad Éireann (upper house) are elected from a panel entitled "National Language and Culture, Literature, Art and Education". Responsibility for government policy on the arts rests with the Department of Arts, Culture and the Gaeltacht and is exercized by the various divisions of that department.

951. One of the primary legislative means by which the State ensures the stimulation of public interest in and the promotion of knowledge, appreciation, and practice of the arts is through the Arts Act, 1951 as amended by the Arts Act, 1973. The provisions of the Arts Acts of 1951 and 1973 are put into operation by An Chomhairle Ealaíon/The Arts Council, an independent body set up by the 1951 Act to promote and assist the arts through the provision of a wide-ranging programme of financial assistance and special services. The Council comprises 17 persons appointed by the Minister for Arts, Culture and the Gaeltacht to assist in the work of the Council and who are representative of the different branches of the arts. Support of the individual arts practitioner and arts organizations is a fundamental part of the Council's mission. The Council also acts as an adviser to Government on artistic matters and has a statutory right to make representations to planning authorities in certain instances where artistic or architectural considerations apply.

952. In 1995 the Arts Council published "The Arts Plan". The Plan, which was drafted by the Council in close consultation with the Department of Arts, Culture and the Gaeltacht, represents only the second major attempt by a Government to articulate policy on the arts in Ireland since the foundation of

the State. It represents a major step forward in realizing the full potential of the arts in Ireland and, in implementing the Plan, the Arts Council will act in a coordinated strategic manner to advance, develop, promote and consolidate the different arts disciplines as deemed necessary so as to establish a cohesive arts infrastructure for the future.

Availability of funds for the promotion of cultural development

953. Annual grants from the Oireachtas (Parliament) and from the net proceeds of the National Lottery are the main sources of public funding for the Council's promotion of the arts. Under section 5 of the National Lottery Act 1986, the Government determines how the net proceeds of the money raised by it is applied to "national culture (including the Irish language) and the arts (within the meaning of the Arts Act 1951)". These grants are supplemented by income from local government authorities and other bodies, normally designated for specific schemes or projects. In 1996, for instance, the Arts Council will receive from Government a grant-in-aid in the sum of £18.4 million, of which £1 million are designated for capital purposes. In order to determine its annual requirements the Council consults with each of its client organizations to establish what its funding needs are for the following year. Account is also taken of any guidelines provided by the Department of Finance in submitting spending estimates. Once its level of funding has been decided upon, the Council agrees a spending schedule with the Department of Arts, Culture and the Gaeltacht which then ensures an adequate supply of funds throughout the year. Spending is monitored to ensure that any problems such as unanticipated expenses are dealt with quickly.

954. The Department of Arts, Culture and the Gaeltacht also provides funding for arts events and projects which do not fall within the ambit of the Arts Council. Projects funded in recent times by the Department include "L'Imaginaire Irlandais", a multi-faceted celebration of the arts and culture of contemporary Ireland, North and South, centred around a core exhibition of the visual arts illustrating aspects of Irish imagination, which was staged in Paris and regions of France during the period March-August 1996; and the Arts Awareness Intervention Programme, undertaken by CAFE (Community Arts for Everyone) on behalf of the Department, which enables the Minister for Arts, Culture and the Gaeltacht to intervene directly and help support important local arts initiatives, particularly in urban and rural marginalized communities which, because of their very nature, cannot come within the parameters of "excellence" that dictate the criteria applied by the Arts Council when it is making funding decisions.

Infrastructure

955. The Department's responsibility relates to various groups, including the national cultural institutions, other cultural organizations and arts and heritage projects.

956. National cultural institutions include the National Gallery, the National Museum, the National Library, the National Archives, the National Concert Hall and the Irish Museum of Modern Art. Other cultural organizations include the Chester Beatty Library, Marshs Library, the National Archives Advisory Council, the Irish Architectural Archives, the Irish Manuscripts

Commission and the National Theatre Society, Ltd. Cultural infrastructure projects include the Galway Municipal Theatre, the Hunt Museum, Limerick, extensions to the National Gallery and National Museum, relocating the Chester Beatty Library to Dublin Castle.

957. The Department works closely with the project managers and with the other agencies involved such as the Arts Council, the Department of the Environment and local authorities.

958. The Department of Arts, Culture and the Gaeltacht, in conjunction with the Department of the Environment, the Office of Public Works, the Arts Council and Temple Bar Properties, formed a steering group to conduct a Public Art Research Project. The project will facilitate the more effective promotion of the arts in the public sector by developing a strategy for use by public authorities for the purposes of commissioning art. The project is currently in progress and is specifically focusing on the "Per Cent for Art" schemes as administered by the Department of the Environment and by the Office of Public Works. As well as making recommendations in regard to the "Per Cent for Art" schemes, it is expected that the outcome will also have a major input into the preparation of the national policy on public art.

959. Since the first arts officer was appointed to Clare County Council in 1985, arts officers have been appointed by 24 of the 34 major local authorities. The salaries of arts officers are co-funded to a level of 50 per cent by the Arts Council and the Local Authority. While the creation and filling of such posts is a matter for the Local Authorities, the Department of the Environment, in consultation with the Department of Arts, Culture and the Gaeltacht, is pursuing the question of creating such posts in the 10 remaining authorities.

Parliamentary responsibility

960. The Department of Arts, Culture and the Gaeltacht is generally answerable to Dáil Éireann (the lower house) on aspects of policy relating to the arts and culture. The Department is charged with liaison with all relevant arts and cultural organizations and with the preparation of official policy statements, replies to parliamentary questions, responses to queries from the public, etc. The Department also has the responsibility for amending or initiating legislation to take account of changing circumstances and interpretation of existing law in relation to arts and culture matters. It is currently engaged in piloting through a legislative proposal to give autonomy to the National Museum and National Library of Ireland and a scheme to indemnify loans of cultural objects for exhibitions.

961. The Department issues export licences in respect of legitimate inter-State movement of archaeological objects, paintings and documents over 100 years old. In certain specific cases it can arrange for a government indemnity to cover exhibitions of national importance. The Department also provides secretarial back-up to the National Archives Advisory Council.

Crafts

962. The traditional arts and crafts sector is covered by the Crafts Council of Ireland which is a company limited by guarantee and funded by the State. The company maintains a register of professional craftspeople, ensuring high standards of quality, and acts as an adviser to State agencies. The 15-person management committee of the company is appointed by the Minister for Industry and Commerce. As part of its promotion of the crafts sector it holds an international Crafts Trade Fair every year.

Language

963. Article 8 of the Constitution of Ireland specifies that the Irish language is the first official language of the State (English is also an official language). Since the establishment of the State, therefore, the Government has taken various steps to ensure that those who wish to use the Irish language are assisted in doing so.

964. There are a number of regions in Ireland where the Irish language is traditionally spoken as the everyday vernacular. These regions are designated as "Gaeltacht" areas and have always received preferential treatment from the State. They are in the main situated in economically deprived areas along the western seaboard of Ireland where the traditional livelihood has been farming and fishing on a small scale. The following measures are at present in operation to assist these regions.

965. The Department of the Arts, Culture and the Gaeltacht promotes the economic, social and cultural well-being of the Gaeltacht areas. The Department, which is headed by a government minister, also has responsibilities regarding the promotion of the use of the Irish language throughout the country. As far as the designated areas are concerned, the Department endeavours to improve the infrastructure of those areas, and consequently the quality of life of those who live in them, by providing higher rates of grant-aid for amenities such as housing (50 per cent premium) and water and sewerage (10 per cent premium). Grants for improvement works on existing houses are also available - although these are no longer paid outside the designated areas. The Department also provides full-cost grants to improve marine facilities such as piers and slipways. The maximum State grant for such facilities outside the designated areas is 75 per cent. In addition, the Department provides grants for numerous recreational amenities, such as community halls and sporting facilities, for which assistance is not normally available from central Government outside the designated areas.

966. Nationwide, the Department plays an active role in assisting cultural activities by providing annual grant-aid for various voluntary organizations engaged in promoting the use of the Irish language. The Department also provides assistance towards the publication of books of general interest in the Irish language.

967. Udarás na Gaeltachta (The Gaeltacht Authority) is a statutory body which comes under the aegis of the Minister for Arts, Culture and the Gaeltacht and is funded by his Department. The Authority is governed by a board

of 13 members - 7 being elected by those residing in the designated areas and the remainder nominated by the Minister. The Authority is primarily concerned with the promotion of industrial development in the designated areas.

968. Bord na Gaeilge (The Irish Language Board) is another statutory body under the aegis of the Minister for Arts, Culture and the Gaeltacht and is also funded by his Department. The members of the Board are appointed by the Minister. The Board is charged with the promotion of the Irish language and, in particular, its use as a living language and as an ordinary means of communication. While most of its work is of an advisory nature, it provides grants for Irish-language organizations involved in educational matters, e.g. Irish-language nursery schools (nursery schooling in English is not State assisted) and a weekly newspaper and magazines in the Irish language.

969. An all-Irish radio service, Radio na Gaeltachta, broadcasts some 75 hours weekly. While aimed primarily at the designated areas, the service is available nationwide. The national radio and television service, Radio Teilifís Éireann (RTÉ), is required in its programming to reflect the varied elements which make up the culture of the people of the whole island of Ireland and to have special regard for the elements which distinguish that culture and, in particular, for the Irish language. A new Irish-language television service, Teilifís na Gaeilge (TnaG), is expected to go on air on 31 October 1996. Pending the introduction of new legislation RTÉ has been charged with the establishment, programming and initial operation of the new service (see also the following section).

970. The Independent Radio and Television Commission (IRTC), which arranges for the provision of broadcasting services additional to those of RTÉ, is required to have regard to the quantity, quality, range and type of programming in the Irish language and the extent of programmes relating to Irish culture which the applicant proposed to provide. Under this legislation there is an Irish-language community station, Radio na Life, operating in Dublin.

971. The public library service provides the means of self-development for individuals and groups in making accurate information readily available and in promoting the pleasure of reading. Public libraries can also act as a focus for cultural community activities.

972. The Minister for the Environment has overall responsibility for the development of the public library service, while the initiation of library development proposals rests with the local authorities. Such proposals are vetted by the Department in consultation with An Chomhairle Leabharlanna in accordance with standard procedures set down by departmental circular and Department of Finance guidelines on capital appraisal. Under the terms of the Public Libraries Act, 1947 and the Local Government Act, 1994, An Chomhairle Leabharlanna advises both the Minister for the Environment and Local Authorities on matters relating to the public library service. Projects approved by the Department qualify for grants, paid on foot of certified returns of expenditure. Projects are undertaken by the local authorities (almost always by contract).

973. In the period 1987-1995 the Department of the Environment provided £23.3 million to Local Authorities for the development of the public library service. Of this amount £15.7 million were in respect of capital projects such as library buildings, mobile libraries, library automation and book stock. The remainder, £7.6 million, was used to provide a subsidy to local authorities for loan and leasing charges incurred by them for library purposes (mainly premises). State funding for the library service has been provided from the proceeds of the National Lottery since 1988.

974. In 1935 the Irish Folklore Commission was set up by the Government to collect, preserve and classify, study and exhibit all forms of Irish folk heritage. This Commission became the Department of Irish Folklore in 1971 when it moved to new premises at University College Dublin. It maintains an extensive library relating to Irish oral tradition in both the Irish and English languages and has close contacts with kindred resource centres for research in Scandinavia and the United Kingdom.

975. Physical heritage protection is the responsibility of the Office of Public Works which acquires and maintains parklands, buildings and monuments of historical interest and makes them available for the enjoyment of the people of Ireland. Since 1988, a National Heritage Council has also been established with the aim of formulating policies and priorities to identify, protect, preserve and enhance Ireland's heritage in the areas of archaeology, architecture, flora and fauna, landscape, gardens and inland waterways. It also decides on the distribution of funds allocated for heritage work.

976. Ireland became a full party to the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage on 16 September 1991 and the Office of Public Works acts as the State-designated body for the selection of monuments and sites considered to be of exceptional interest for entry in the World Cultural and Natural Heritage List.

977. Another useful vehicle in heightening awareness of the richness of Ireland's architectural heritage is the Irish Architectural Archive which provides an information service to the public on the restoration and conservation of old buildings.

Role of mass media and communications media in promoting participation in cultural life

978. Since 1993, broadcasting policy has been the responsibility of the Minister for Arts, Culture and the Gaeltacht.

979. The Broadcasting Authority Acts, 1960 to 1993 provide for the establishment of Radio Teilifís Éireann (RTÉ) as the national broadcaster and empowers the RTÉ Authority *inter alia* to provide national radio and television services. The RTÉ Authority has statutory autonomy in day-to-day programming matters subject to the Broadcasting Authority Acts. Section 17 of the Broadcasting Authority Act, 1960 requires RTÉ in its programming to be "responsive to the interests and concerns of the whole community, be mindful of the need for understanding and peace within the whole island of Ireland, ensure that the programmes reflect the varied elements which make up the

culture of the people of the whole island of Ireland and have special regard for the elements which distinguish that culture and in particular for the Irish language".

980. RTÉ operates four national radio services, including one all-Irish language service. It operates one local radio station in Cork. RTÉ also operates two national television channels. As a public service broadcaster, RTÉ contributes to the cultural life of the country by sponsorship of cultural events. As music has always been an important aspect of Irish broadcasting RTÉ supports a number of full-time musical groups, i.e. the National Symphony Orchestra, the Concert Orchestra and the RTÉ Vanburgh Quartet. In addition the following groups contribute to the broadcasting schedules in a part-time capacity: the RTÉ Chamber Choir, the RTÉ Chorus, the RTÉ Philharmonic Choir.

981. Ireland has a growing independent television production sector. Under the terms of the Broadcasting Authority (Amendment) Act, 1993, RTÉ is required to make specific and growing amounts of funding available annually for the commissioning of programmes made by producers who are independent of broadcasters. In 1999 RTÉ will be required to make 20 per cent of its television programme budget available for this purpose.

982. The Radio and Television Act, 1988 established the Independent Radio and Television Commission (IRTC) with the function of arranging for the provision of broadcasting services additional to those of RTÉ including one national sound broadcasting service and one television service. Subject to radio frequency availability and management, the IRTC has autonomy in the numbers of radio stations to be provided and the selection of operators. At present there are 21 local radio stations operating on a commercial basis. This sector now employs upwards of 700 people, half of whom are full-time employees. Most generate quite high listenership figures within the areas served. There are also 13 community stations operating in various parts of the country.

983. The Government has decided to establish a national Irish language television service to be known as Teilifís na Gaeilge. The expected on-air date for this new service is 31 October 1996. It is intended to establish a separate statutory entity to operate Teilifís na Gaeilge. Until such time as the necessary new legislation can be put in place, RTÉ has been charged with the establishment, programming and initial operation of the service.

Recent developments aimed at encouraging the arts

984. The State endeavours to create an environment sympathetic to the artists' material needs. One such example is in the area of relief on earnings from original and creative works by various categories of artist. Under section 2 of the Finance Act, as amended, 1969, the Revenue Commissioners (Irish tax authorities) are empowered to make a determination, utilizing published guidelines explaining the terms and scope of the tax relief, that certain artistic works are "original and creative works generally recognized as having cultural or artistic merit". Accordingly, earnings derived from such works are exempt from income tax.

985. The Revenue Commissioners can make determination in respect of artistic works in the following categories:

(a) A book or other writing;

(b) A play;

(c) A music composition;

(d) A painting or other like picture, and

(e) A sculpture.

986. The law provides that claimants must be resident in the State. In deciding whether or not to make a determination, the Revenue Commissioners can consult with an individual or organization which may be of assistance to them in reaching their decision. Where the Revenue Commissioners fail to make a determination in support of a claim, the artist, writer, composer or sculptor has the right to appeal.

987. Another significant development in recent years in enhancing the status of the artist in Ireland has been the creation of an institution that would by itself indicate that the artists of Ireland have their own value and clearly defined space in the national community. The institution in question, which was set up in 1981, is called AOSDANA - an affiliation of creative artists who have contributed significantly to the arts in Ireland. It represents, in effect, official recognition of the artist. The creative arts represented by AOSDANA are literature, the visual arts and music. In 1991, membership stood at 149. Some 79 artists in these categories were, in 1990, in receipt of an annual grant of £5,000, payable for a five-year term, from AOSDANA. This grant (called cnuas in Irish) is available to those who wish to work full-time on their art without having to seek other means of financial support.

Professional education in the field of culture and art

988. The National College of Art and Design provides a wide range of degrees in fine art, design, art, education and the history of art and design. The NCAD was established in 1971 but dates its origins from 1746 when the Dublin Society set up "a little academy or school for drawing and painting". University College Dublin and Trinity College Dublin also provide full-time degree courses in modern drama studies.

Natural and built heritage

989. The preservation of the country's natural biodiversity as well as the physical remains of our cultural past is an entitlement of the citizen of Ireland. The basic legislation is as follows: the National Monuments Acts 1930-1994, the Wildlife Act 1976, the Heritage Act 1995. The EC Birds Directive and Habitats Directive are also very significant legislative instruments.

Built heritage

990. The first stage of a National Archaeological Survey has been completed and approximately 130,000 monuments have been identified. The National Monuments Acts provide a measure of protection for all of these monuments. More stringent protection is provided for monuments of national importance either by means of Preservation Order or by State acquisition. There are approximately 700 monuments in the care of the State and public access to these is afforded except in exceptional cases where access may have to be restricted in the interest of safety. Interpretative facilities are provided at a number of monuments. By tradition access is allowed to many of the field monuments in the country which are in private ownership.

991. The main inland navigation systems - the Shannon Navigation and the Grand and Royal Canals - are in State ownership and a large-scale programme of restoration is in progress. These systems are important from the point of view of industrial archaeology as well from an amenity point of view.

992. Ireland has signed the Council of Europe Convention on the Protection of the Architectural (Granada Convention) and the Archaeological (Malta Convention) Heritage and proposals are in train to ratify them.

993. While a degree of protection is given to all identified upstanding monuments, the question of monuments yet to be identified, archaeological remains with no surface indications and underwater wrecks, etc. also need to be cared for. Some work has been done by the setting up of a Wetlands Archaeology Unit to deal with sub-peat archaeology and by the establishment of a joint committee with the Northern Ireland authorities to consider an all-Ireland approach to underwater archaeology.

994. The total annual expenditure by the State on the built heritage is approximately £34 million.

Natural heritage

995. The basic legislation, the Wildlife Act 1976, is at present in course of amendment to bring it up to date. In particular, amendments are required to conform with the Berne Convention which Ireland has ratified and to give statutory protection to areas of ecological interest which have been identified. These areas, which will be called Natural Heritage Areas, constitute approximately 700,000 ha. Ireland has also ratified a number of international conventions including the Convention on Biodiversity, the Ramsar Convention and the Bonn Convention.

996. In accordance with the Birds Directive, some Special Protection Areas comprising 158,000 ha have been designated. The Habitats Directive is in course of transposition into Irish law and it is expected that a large percentage of the NHAs will be designated as Special Areas of Conservation under that Directive.

997. Ireland has 5 national parks and 76 nature reserves, of which 10 are privately owned.

Heritage Council

998. A statutory Heritage Council was appointed pursuant to the Heritage Act, 1995. The main functions of the Council are:

(a) To propose policies and priorities for the identification, protection, preservation and enhancement of the national heritage, including monuments, archaeological objects, heritage objects, architectural heritage, flora, fauna, wildlife habitats, landscapes, seascapes, wrecks, geology, heritage gardens and parks and inland waterways;

(b) In particular to promote interest, education, knowledge and pride in and facilitate the appreciation and enjoyment of the national heritage;

(c) To cooperate with and provide assistance, including financial assistance, and advice to any person or body, including a public authority, in respect of any matter coming within its terms of reference.

Right of everyone to enjoy the benefits of scientific progress

999. Science policy is primarily a function of the Department of Industry and Commerce. Assisting it in its task is an independent State-sponsored agency, Eolas (the Irish Science and Technology Agency). Eolas is responsible for the development, application, coordination and promotion of science and technology in Irish industry. The Department of Education, in cooperation with the National Council for Curriculum and Assessment (NCCA), introduced a new syllabus in Science in second-level schools in 1981. This curriculum is continually reviewed and updated by the NCCA to ensure that it provides an appropriate foundation programme in science at different levels suitable for the needs of all students. The NCCA also provides guidelines for primary schools to assist them in their curriculum planning for basic science. Colleges of Education are involved in the initial training of teachers in the sciences.

1000. A recently published Government Green Paper (Discussion Document) emphasizes the importance of teaching science at all levels of education. Since 1969, with the advent of Regional Colleges, the applied sciences have received considerable resources in both human and financial terms. These resources are additional to those already deployed by the State to the teaching of pure science at the various universities.

Intellectual property

1001. The term of protection for authors of original works under the Copyright Act, 1963 has been extended to the lifetime of the author and a period of 70 years following the author's death by Council Directive No. 93/98/EEC. This Directive was transposed into Irish law by S.I. No. 158 of 1995.

1002. Ireland recently engaged in an overall review of copyright legislation which took into account its international obligations under the Berne Convention and the Rome Convention, EU legislation on, *inter alia*, rental and lending, cable and satellite broadcasting and databases, and technological developments. Council Directive No. 91/250/EEC on the legal protection of computer programs which provides, inter alia, copyright protection to computer programs as literary works, was transposed into Irish law by S.I. No. 26 of 1993. Ireland has been participating in extensive discussions on copyright matters at EC level and is actively involved in the negotiations of three international instruments in the World Intellectual Property Organization (WIPO). These are: (a) a treaty on certain questions concerning the protection of literary and artistic works; (b) the WIPO Performances and Phonograms Treaty; and (c) a treaty on intellectual property in respect of databases. Ireland is currently involved in drafting a comprehensive new Copyright Act which will give effect to recent EU legislation in this area, take into account changes in technology and give effect to any changes arising from WIPO discussions on the three international instruments. Ireland continues to be supportive of high standards of copyright protection.

1003. The Trade Marks Act, 1996 and the Trade Marks Rules, 1996 came into force on 1 July 1996. This Act makes new provision for registered trade marks, implements Council Directive No. 89/104/EEC of 21 December 1988 to approximate the laws of the Member States of the European Community relating to trade marks, and makes provision in connection with Council Regulation (EC) No. 40/94 of 20 December 1993 on the Community Trade Mark. It also gives effect to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks of 27 June 1989 and to certain provisions of the Paris Convention for the Protection of Industrial Property of 20 March 1883, as revised and amended, and permits the registration of trade marks in relation to services and for connected purposes. Under this new Act a trade mark is initially registered for a period of 10 years and may be renewed for further periods of 10 years.

1004. A design is registered initially for a period of 5 years; registration may be extended for a further period of 10 years. Ireland is currently involved in negotiations at EU level on a Directive and Regulation on Designs in order to harmonize member States' laws on designs and is wholly supportive of EU Commission initiatives in this area.

Semiconductors

1005. The European Community adopted in December 1986 a Directive on the legal protection of topographies of semiconductor products. This Directive was implemented in Ireland on 13 May 1988 through regulations made under the European Communities Act, 1972. The effect of the Directive is to give an exclusive right to the creator of a topography, where that topography is the result of the creator's own intellectual effort and is not commonplace in the semiconductor industry. This right includes the right to authorize or prohibit the reproduction or commercial exploitation or importation for that purpose of a topography or of a semiconductor product manufactured by using the topography. The rights granted extend for 10 years from the first commercial exploitation of the topography.

1006. Regulations are currently in place giving effect to two EC Council decisions adopted on 9 October 1990 to extend the legal protection of topographies of semiconductor products in respect of persons from certain third countries and territories.

Conservation, development and diffusion of science and culture

1007. As regards the communications media, the State radio and television system and the private business sector spend significant amounts of money in promoting cultural activity and the popularization of science. Aer Lingus, the Irish National Airline, sponsors an annual Young Scientists Exhibition which is open to second-level students. Cothú - The Business Council for the Arts - promotes sponsorship of the arts and acts as the representative voice of commercial sponsors. Cothú (which is the Irish for support) is a relatively new departure aiming to promote an organized approach by business towards the arts in association with ongoing private sponsorship.

1008. There are also numerous learned bodies that are in receipt of funds from the State. The Royal Irish Academy, set up in 1785 to promote "the study of science, polite literature and antiquities", receives its primary source of income from the Higher Education Authority which is a body established in 1971 to look after the funding of higher education (the HEA funding in turn is the responsibility of the Minister of Education). The RIA supports research in the humanities and the natural sciences as well as developing academic exchange programmes. It also advises the Office of Public Works on the allocation of funds for research and archaeological excavation.

International assistance

1009. The Department of Arts, Culture and the Gaeltacht, in conjunction with the Department of Foreign Affairs, represents Ireland's cultural interests in various international agencies, such as the European Communities Cultural Affairs Committee and the Culture Committee of the Council of Europe. This is an important function as the protection of our cultural and artistic heritage has an international dimension ranging from international agreements on preventing trade in stolen artifacts to developments in the conservation field. The Department is used as a contact point by some international bodies.

1010. The Department seeks the advice and recommendations of all relevant or concerned individuals and bodies before taking a stance on any issue. Many proposals involve issues of national and international law and in such cases the expertise of the Attorney-General's Office is also required.

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